

FORMAL COMPLAINT PROCESS

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. An electronic complaint and signature will be accepted.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this policy.

Either party named in a Formal Complaint may request the matter be resolved through the Agreement-Based Resolution process described in this Policy.

Notice of Allegations

Upon receipt of a Formal Complaint, the University will provide written notice to all responding Parties and reporting Parties that includes:

- Notice of the allegations potentially constituting Prohibited Conduct, and sufficient details known at the time the Notice is issued, such as:
 - the identities of the Parties, if known;
 - the conduct allegedly constituting Prohibited Conduct; and
 - the date and location of the alleged incident, if known.
- Notice of the applicable policies and procedures.
- Notice of resolution procedures and any available Agreement-Based Resolution process.
- How to challenge participation by the Title IX Coordinator for bias or conflict of interest.
- How to challenge participation by the Investigator for bias or conflict of interest; which the Title IX Coordinator will resolve in their sole discretion.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the Parties may have a Process Advisor of their choice.
- A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or from any other source;
- A statement that the University prohibits knowingly making false statements or knowingly submitting false information to the University.
- A statement that retaliation is prohibited.

The University will issue an amended Notice of Allegations as needed if additional allegations are discovered during the investigation. The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

The University will provide on-going notice of any additional allegations included within the scope of the investigation that arise during these procedures.

The Respondent is presumed not responsible for the alleged conduct and determinations regarding responsibility are made at the conclusion of the grievance process. However, the University reserves the right to invoke an emergency removal and/or activity restriction if the allegations are egregious enough for risk to the campus community.

Dismissal of a formal complaint

If the conduct alleged in a formal complaint would not constitute Prohibited Conduct under this Policy or does not occur within the scope or jurisdiction of this policy, the University must dismiss the formal complaint.

The University may dismiss a formal complaint at any time during the investigation or hearing stages for the following reasons:

1. Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint.
2. The Respondent is no longer enrolled or employed by Linfield University.
3. Circumstances prevent Linfield University from gathering evidence sufficient to reach a determination.

Upon dismissal of a formal complaint, the University will promptly send written notice of the dismissal and reason(s) therefore to Parties.

The University will notify the Complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the University will follow the procedures outlined in the Appeals section of these procedures.

Any formal complaint dismissed under these procedures may still be addressed by other University policies.

Standard of Evidence

The standard for finding a person responsible for a policy violation is "preponderance of evidence" (or "more likely than not").

Consolidation of Complaints

The University may consolidate formal complaints where the allegations of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking arise out of the same facts or circumstances.