INVESTIGATION AND HEARING RESOLUTION

Timeline

The University will endeavor for an investigative report to be prepared within 60 business days of the formal complaint being made and strive for a hearing to be held within 90 business days of the formal complaint being made. A written determination regarding responsibility will be issued within 10 business days of the hearing. It is a goal to resolve formal complaints within 100 business days of notice of the formal complaint, not counting any appeal period. The University may extend the formal resolution process for reasonable circumstances and will provide this information to the Complainant and Respondent in writing. The timeframe will not include appeals that may be filed.

Parties should also note the following timelines that are mandatory in the University process. A party may waive their right to these review business days in writing to Title IX staff person overseeing their case:

- Typically, three (3) business days, for Parties and their Process Advisor to review the initial information available about the formal complaint.
- At least ten (10) business days for Parties and their Process Advisor to review the initial investigation packet, including the relevant and directly evidence, and submit a meaningful written response, which the Investigator will consider prior to completion of the investigative report.
- At least ten (10) business days for Parties and their Process Advisor to review the final investigative report, submit a written response, and prepare for a hearing.

There may be circumstances that allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's Process Advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Notice of Meetings and Interviews

University will provide Parties with written notice of the date, time, location, participants, and purpose of meetings to which they are invited, including hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Communication with Parties and Witnesses

All participants who have been named in the process are responsible for the communications they receive. All communication will be sent via "Linfield.edu" emails unless other plans for communication have been established. Parties and/or witnesses no longer enrolled and/or employed by the University, or not part of the University community, will be required to provide a reliable email address to communicate with staff. Title IX Administrators will make good faith efforts to communicate with participants before moving forward but will ultimately proceed without a participant if there is no response.

Investigations

The investigative process

1. Presumes the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at this procedure's conclusion.
2. Presumes all complaints are made in good faith.
3. Includes an objective evaluation of all relevant evidence.

The burden of gathering evidence rests on the University. The University must gather documents and evidence and conduct fact-finding interviews with Parties and witnesses. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so.

The University will ensure that Parties have an opportunity to participate in interviews with the investigator, provide witnesses, and provide evidence to be reviewed. The University provides written notice to a party of their scheduled investigative interviews including the date, time, and location of the interview.

At the conclusion of an investigation, and after reviewing all relevant and directly related evidence and performing all relevant interviews, the investigator will draft a preliminary investigative report that includes their statement, the other party's statement, the witness statement(s), and other evidence.

Both Parties will be given ten (10) calendar business days to review the content and submit a meaningful written response that may include additional questions, relevant information/evidence, and/or clarifications. If additional information is submitted, the investigator will conduct follow-up interviews with relevant participants. The investigator will review and consider the written responses to the draft report prior to finalizing it.

The University will provide Parties with the final report which summarizes all the relevant evidence to review and allow for Parties to submit a final written response. The Title IX Coordinator, or designee, will issue a charge and notice of a hearing letter to both parties. The letter will also include the final investigative report and allow the Parties the opportunity for their review and written response at least ten (10) calendar business days before the hearing. The University will provide the report and all final written responses to the Decision Maker(s) before the hearing begins.

Past Sexual History/Character

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Records of past complaints made against a Respondent will not be disclosed by the University to the Parties, investigators, and/or Decision Maker(s) and questions and evidence about such are not relevant, unless such questions and evidence about past complaints are offered to prove a pattern of behavior or have a direct connection with the allegations

for the complaint being investigated. Decisions about relevancy of such questions and evidence will be made by Title IX administrators or Decision Maker(s).