If the Title IX Coordinator determines that the complaint, even if substantiated, would not rise to the level of a policy violation, the Title IX Coordinator may refer the complaint to another office/resources for review or assistance.

The Title IX Coordinator determines that the complaint or report would, if substantiated, constitute a violation of the NDSCS Sexual Misconduct and Title IX Compliance Policy.

The Title IX Coordinator will assign an Inquiry Team
Initial interviews and/or fact-finding will occur.

The Title IX Inquiry Team determines that the complaint, even though substantiated, does not rise to the level of a policy violation under the NDSCS Sexual Misconduct and Title IX Compliance Policy.

The Title IX Inquiry Team will provide a recommendation report to the Title IX Coordinator.

The Title IX Inquiry Team determines that the complaint, if substantiated, would constitute a violation of the NDSCS Sexual Misconduct and Title IX Compliance Policy.

The Title IX Inquiry Team will provide the final Investigative Report and any supporting information to the Executive Director of Student and Residential Life (or designee) and/or the Executive Director of Human Resources (or designee) for appropriate follow-up, adjudication, and/or hearing(s). These processes are outlined in the NDSCS Student Guide to Rights and Responsibilities: A code of conduct (students) and NDUS Human Resource Policy Manual (employees).

The Investigative Team will:
• gather facts and evidence relevant to the investigation.
• interview witnesses and interested parties.
• interview parties separately if possible.

Upon completion of the investigation, the Title IX Investigative Team will provide a draft of the investigative report to the Title IX Coordinator which will include facts, evidence, and a comprehensive overview of interviews.

The Title IX Coordinator will ensure clarity and thoroughness of the investigative report.

The draft of the Investigative Report will be provided to the complainant(s) and respondent(s). The complainant(s) and respondent(s) will be provided the opportunity to ask questions of other parties, through written communication that must be submitted in a timely manner to the investigative team.

• The investigate team will ensure the appropriateness/relevance of the questions, each party would have the opportunity to review and respond (in writing) to those questions.
• The responses and questions will be provided to all parties; all parties will be provided an opportunity for final response.

The Investigative team will send notification to the complainant(s) and respondent(s) that a Title IX investigation has commenced.

This initial notice of investigation will provide necessary information regarding the process, an outline of alleged prohibited conduct, and the parties’ ability to have an advisor.

The Investigative team will:

1 The Title IX Coordinator will seek to complete the investigation process within 60 calendar days from the start of the investigation. The investigation may be extended to ensure the completeness and integrity of the process. See NDSCS Sexual Misconduct and Title IX Compliance Policy (Section 6c) for more information.

2 Interim measures, to provide for the safety and security of the College community, may be enacted or removed at any time.

3 The Title IX Coordinator could delegate responsibility at any point to Deputy Coordinator(s) or a different trained designee.