STUDENT CONDUCT PROCESS FOR SEXUAL MISCONDUCT ALLEGATIONS

Student complainant or third party reports incident of Sexual Misconduct to a) Office of Student Conduct (OSC) or b) to a university employee, who informs OSC and provides names of the parties involved, if known. Note: Privileged employees (e.g., medical providers, therapists, clergy acting as such in their professional role at Duke, university ombudsperson) are exempt from reporting to OSC.

An investigation may be conducted by the Office for Institutional Equity and a report of findings submitted to OSC.

A determination will be made by OSC whether sufficient information exists to move forward with a hearing.

At the discretion of OSC, an administrative hearing may be conducted to resolve the matter. If both complainant and respondent accept resolution, the matter is resolved. If one or both do not, a hearing panel is convened.

OSC forwards to Office of Gender Violence Prevention & Intervention (GVPI) in the Women’s Center a copy of the report. GVPI reaches out to the complainant to provide confidential support. A student who declines to meet with OSC may still meet with GVPI staff.

OSC sends the student complainant a letter requesting to meet and outlines resources for support, including the option to file a report with the appropriate law enforcement agency.

At the discretion of OSC, a three-person specially trained panel will consider the case. Respondent and complainant (if complainant chooses to participate) participate in hearing.

A "no contact" directive may be put into place between the complainant and the respondent. Additional interim measures may be considered.

At the discretion of OSC, an administrative hearing may be conducted to resolve the matter. If both complainant and respondent accept resolution, the matter is resolved. If one or both do not, a hearing panel is convened.

No later than five business days following the hearing, outcome will be conveyed individually to respondent and complainant at approximately the same time. Written notification will be made within 10 business days.

Student asks OSC to proceed with investigation.

Student complainant is informed of disciplinary option through the university. Student may participate in the disciplinary process or decline to do so. In some cases, if enough information is available to investigate or initiate some intervention with an accused student, the university will proceed even if the student declines to participate, keeping the complainant’s request for confidentiality to extent possible. Campus environment is evaluated when appropriate. OSC will discuss the matter with the student complainant (if he/she chooses to meet with OSC) before deciding what to do.

Both parties have right of appeal within grounds of appeal to Appellate Board.