

Rights of a Respondent

A respondent has the following rights:

1. You are presumed to not have violated a Midland College policy or rule until the Hearing Panel determines that it is more likely than not that you have done so.
2. You have the right to choose an advisor to be present with you at any meeting, including an interview with the Title IX Coordinator or an Investigator. Your advisor may be any person selected by you, including legal counsel. The advisor's participation will be limited to the role of an observer, although the advisor may request a break at any point to give advice or emotional support. The advisor cannot be called as a witness once they have assumed the role of advisor.
3. You have the right to have an impartial Investigator, Hearing Panel (the individuals who will decide whether or not Prohibited Conduct occurred and will assign appropriate sanctions). Your case and/or the appeal of your case will be decided by individuals who did not participate in the investigation of the allegations.
4. You have the right for the investigation of the complaint to occur within a reasonable time frame, which is usually sixty (60) business days from your receipt of the Notice of Investigation and Allegations. You will usually be notified of the Hearing Panel's decision within the sixty (60) business days.
5. You have the right, before speaking to an Investigator, to be notified of (1) the identity of the Complainant; (2) the date, time (if known), location, and nature of the alleged misconduct; (3) the policy or policies alleged to have been violated; (4) the identity of and contact information for the Investigator(s); and (5) the identity of the Hearing Panel. If the Complainant has requested a pseudonym (e.g. John Doe, Jane Roe), you will be verbally notified of the Complainant's name at your intake meeting, which occurs before you speak to an Investigator.
6. During the investigation, both you and the Complainant have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that you believe should be directed by the Investigator to each other or to any witness. The proceeding will be fair and impartial, conducted by trained individuals, and be decided by a preponderance of the evidence.
7. You have the right to review the draft investigation report and submit a response before the report is submitted to the Hearing Panel.
8. You have the right to be simultaneously informed of the outcome of the investigation and the sanction imposed (if any).

9. You have the right to appeal the decision of the Hearing Panel based on new evidence, procedural error, or appropriateness/severity of the sanctions. You have the right to be simultaneously notified of any changes to the decision or sanction, and when the decision becomes final.
10. If you believe that the other party has subjected you to prohibited conduct, you have the right to file a complaint against the other party. You also have the right to file a criminal complaint against the other party with the appropriate law enforcement agency, if appropriate.

Privacy

While Midland College wishes to create an environment in which individuals feel free to discuss concerns and make complaints, the university may be obligated to act when officials are informed that sex discrimination or sexual harassment (i.e., sexual assault, sexual exploitation, dating violence, domestic violence, and stalking) may be occurring. Information shared with college personnel and officials not listed below as confidential reporting options is considered private but not confidential. Although the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant/survivor regarding action by the college cannot be guaranteed, they will be protected to as great a degree as is legally possible.

Midland College is committed to protecting the privacy of reporting parties, complainants, and respondents. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the college's response and/or have a legitimate educational interest. All students' education records are protected under the Family Educational Rights and Privacy Act (FERPA).

Persons gathering general information, seeking guidance, or filing a complaint may be concerned about the confidentiality of the information they are sharing. Complainants have the option to report confidentially through a confidential resource. See Confidential Reporting Options.

Supportive Measures and Accommodations

Accused individuals have the same right to request supportive measures and academic accommodations as the Complainant. Contact the Title IX Coordinator to request changes in academic, living, transportation, and work situations. Examples of potential accommodations include assistance in obtaining institutional “no contact” orders and/or changing residence location, parking location, or class schedules to reduce the chance of continued contact with the complainant.

Counseling, health, mental health, advocacy, legal and other services are available for complainants both in the community. In most cases, psychologists/counselors are not required to, nor may, report an incident that in any way identifies students or employees concerned without their consent. However, if an imminent harm situation is present, the counselor must act to protect whoever is at risk.

Retaliation

Midland College will take reasonable action to protect the complainant, the respondent, and those providing witness statements on behalf of either party or supporting either party from retaliation. Additionally, these individuals are encouraged to report to designated officials any acts of retaliation. Retaliation may occur at any time during or following an investigation of a sexual harassment complaint (i.e., sexual assault, sexual misconduct, dating violence, domestic violence, and stalking). Instances of retaliation can be investigated and may result in further conduct charges. If the retaliation results in a fear for your safety, please make a report with the appropriate law enforcement agency.