

Advisor/Legal Counsel

Complainants and respondents may be accompanied by one advisor throughout the investigation and any hearing process. An advisor is a support person who is present to provide support to a complainant or respondent throughout an investigation and/or hearing. An advisor may not speak, write, or otherwise communicate with an investigator, hearing officer or panel on behalf of the complainant or respondent and, because these are internal College proceedings, may not function as legal counsel.

To enhance the integrity of the investigation process and help ensure fairness for all parties, advisors cannot be a witness or party in the matter or a related matter, a family member of the complainant or respondent, or an attorney. In matters in the Student Success office, advisors must also be members of the Midstate community.

However, in any matter involving a complaint of sexual assault, stalking, or dating or domestic violence, the advisor may be any person of the party's choosing, including an attorney. In this case, the advisor is still limited to the supportive and not participatory role described above. Advisors who do not abide by these guidelines may be excluded from the process.

Privacy and Sharing of Information

The College considers complaints and investigations conducted under this Policy to be private matters for the parties involved. For that reason, the College will protect the identity of persons involved in reports of sexual misconduct to the best of its ability. The College will only share personally identifiable information with persons with a need-to-know in order for the College to investigate and respond or to deliver resources or support services. The College does not publish the names nor post identifiable information about persons involved in a report of sexual misconduct in the College Daily Crime Log or elsewhere online. The College does not confirm to outside parties the identity of an individual who may be involved in a report of sexual misconduct without that individual's consent. However, the College cannot promise complete confidentiality or privacy in the handling of sexual misconduct reports or complaints.

Most situations require the disclosure of the complainant's identity to those involved in the investigation in order to fully investigate the matter and/or to enable the respondent to fully respond to the allegations. When individuals report allegations of sexual misconduct to the College and do not consent to the disclosure of their names and/or do not disclose the identity of the alleged offenders or identifiable information about the alleged offenders, the College's ability to respond to the complaints may be limited. In cases where an individual reporting sexual misconduct requests anonymity or does not wish to proceed with an investigation, the College, will attempt to honor that request but, in some cases, the Title IX Coordinator or Director of Human Resources may determine that the College needs to proceed with an investigation based on concern for the safety or well-being of the broader College community (e.g., risk of future acts of sexual violence or a pattern of sexual misconduct). Midstate reserves the right to take appropriate action in such circumstances, including in cases when the individual reporting the misconduct is reluctant to proceed.

All participants in an investigation of sexual misconduct will be informed that confidentiality helps enhance the integrity of the investigation, protect the privacy interests of the parties and protect the participants from statements that might be interpreted to be retaliatory or defamatory. For these reasons, the complainant and respondent will be asked to keep the information related to the investigation private to the extent consistent with applicable law. Witnesses and advisors will be directed to maintain complete confidentiality.

Upon the conclusion of an investigation, the complainant and respondent will be notified in writing, at the same time, of the outcome of the investigation, including whether the alleged conduct was found to have occurred and any sanctions imposed on the respondent that directly relate to the complainant. For the same reasons noted above, the College encourages the parties to maintain the confidentiality of this communication.

Investigations and Resolution of Complaints against Faculty, Staff and Third Parties

The College's Title IX Coordinator, Title IX Investigator, or designee, investigates complaints of sexual misconduct, including complaints of sexual harassment and sexual assault, brought against faculty, staff and third parties.

When a complaint is received, the Title IX Coordinator, Title IX Investigator, or designee interviews parties and witnesses and reviews any relevant documents and evidence. Once an investigation is completed, the investigator makes findings on whether the preponderance of the evidence indicates that the respondent violated the College's Sexual Misconduct Policy. The investigator advises the parties of the findings in writing and communicates findings and recommendations to other College offices as needed for resolution and determination of sanctions or corrective actions. Most investigations are completed within 60 days. Parties may file an appeal of an investigator's findings.