

THE WHITE BOOK

CHAPTER 7

Cadet Personnel and Administration

SECTION 1A:

Cadet Discipline for Allegations of Sexual Misconduct

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Author: COL Hutson and Ms. Mercado

Position: Assistant Commandant for Discipline and Title IX Coordinator

- I. **Purpose:** This process, nested within Cadet Discipline writ large, outlines how The Citadel will respond to, investigate, and resolve allegations of sexual misconduct, which includes the offenses of sexual harassment, sexual assault, dating violence, domestic violence and stalking as defined herein.
- II. **Organization:** The Commandant has primary responsibility for the Cadet Disciplinary System and administers the system through the Assistant Commandant for Discipline (AC-D), Battalion/Company TACs, and TAC NCOs. The office of the AC-D is located on the second floor of Jenkins Hall. **As it relates to the various functions described throughout this procedure, only those persons who have been adequately and annually trained per the Federal Clery Act will investigate and resolve complaints of sexual misconduct.**
- III. **Definitions Used in This Procedure:** The following definitions pertain to this special procedure.
 - **Complainant:** The student alleging being the victim of a form of misconduct as defined by this special procedure.
 - **Respondent:** The student who is accused of being the perpetrator of a form of misconduct as defined by this special procedure.
 - **Preponderance of the Evidence** is the standard of evidence by which The Citadel will utilize to reach a finding. Preponderance means that the evidence must demonstrate that it is more likely than not that the alleged offense occurred to issue a finding of in violation of policy.
 - **Rights and Options:** Both the Complainant and Respondent have rights and options in this process. Said rights and options are enumerated throughout this document.
 - **Sexual Misconduct:** is an umbrella term that collectively refers to the offenses of sexual harassment, sexual assault, dating violence, domestic violence, and stalking.
 - **Sexual Harassment:** means conduct that satisfies one or more of the following:

- a. Quid Pro Quo Sexual Harassment – Conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.
 - b. Hostile Environment Harassment – Unwelcome conduct determined by a reasonable person to be so severe, pervasive, or objectively offensive that it effectively denies a person equal access to The Citadel’s education program or activity.
- **Domestic Violence:**
 - a. A Felony or misdemeanor crime of violence committed—
 - I. By a current or former spouse or intimate partner of the victim;
 - II. By a person with whom the victim shares a child in common;
 - III. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - IV. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - V. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
 - b. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - a. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - b. For the purposes of this definition—
 - i. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - ii. Dating violence does not include acts covered under the definition of domestic violence.
 - c. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim isn’t incapable of giving consent.”
 - a. **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - b. **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- c. **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent. The age of consent in the state of South Carolina is sixteen (16) years old.
- **Stalking:**
 - a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - i. Fear for the person's safety or the safety of others; or
 - ii. Suffer substantial emotional distress.
 - b. For the purposes of this definition—
 - i. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - ii. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
 - iii. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - c. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Consent:** is voluntary, informed, uncoerced agreement through words and/or actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

Indications that consent is not present include:

- a. When physical force is used or there is a reasonable belief of the threat of physical force, including when one person overcomes the physical limitations of another person.
- b. When coercion is present. Coercion means the improper use of pressure to compel another individual to initiate or continue sexual activity against the individual's will. Coercion may include intimidation, manipulation, and/or blackmail. Words or conduct may constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity.
- c. When a person is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the person is in a state of incapacitation, which could be permanent or temporary. Evaluations of capacity will be viewed in hindsight using a reasonable person standard.

Important points regarding consent include:

- a. Consent to one act does not constitute consent to another act.
- b. Consent on a prior occasion does not constitute consent on a subsequent occasion.
- c. The existence of a prior or current relationship does not, in itself, constitute consent.
- d. Consent can be withdrawn or modified at any time.

- e. Consent is not implicit in a person's manner of dress.
- f. Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- g. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent.
- h. Silence and passivity do not constitute consent.
- i. Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.
- j. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation when a person is incapacitated or not of legal age.

A person who is asleep or unconscious is considered incapacitated and unable to consent. Additionally, a person may be incapacitated due to a temporary or permanent mental or physical disability.

In the context of this policy, incapacitation is the state in which a person's perception or judgment is so impaired that he or she lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation, which is a state beyond mere intoxication. An individual who is incapacitated is unable to consent to a sexual activity. **Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where a person knows or ought reasonably to have understood that the individual is incapacitated, constitutes Sexual Misconduct and is a violation of this Policy and the state laws of South Carolina.**

IV. Procedures:

A. Making a Complaint

- i. Violations or suspected violations of this process should be made verbally and directly to the institution's Title IX Coordinator. A Complainant may also report directly to the Assistant Commandant for Discipline (AC-D) if (a) the Complainant and Respondent are members of the same Battalion or (b) the Complainant requires immediate assistance. Regardless of where the complaint is initially reported, the Title IX Coordinator will make the Complainant aware of their right to file a Formal Complaint. Upon the filing of a Formal Complaint, the Title IX Coordinator will conduct an assessment regarding whether the institution's Title IX Policy applies or if this process will apply.
- ii. The Title IX Coordinator, or designee will provide the party with their rights and options. At such time that the Title IX Coordinator determines the Title IX Policy applies, the complaint will proceed only through that process and is not eligible for resolution under this process.
- iii. ***Any person always has the right to report the incident immediately to law enforcement*** and has the right to be assisted by the Title IX Coordinator or the AC-D in doing so if they desire. Persons retain the right to report to the Police and not The Citadel or to The Citadel and not law enforcement. The options are not mutually exclusive.
- iv. If the Title IX Coordinator determines that the Title IX Policy does not apply, the case will be transferred to the AC-D for investigation and resolution under this process. In such cases, the AC-D will advise the party of his or her rights and options.
- v. The details or facts surrounding the report of an offense are most frequently determined through an Explanation of Report, Written (ERW) and/or any face-to-face session between the Complainant and the AC-D.

- vi. Any rank holding cadet, cadets acting in an official capacity, cadets who consider themselves victims of mistreatment as defined in this process, and any member of the faculty, staff, commissioned or noncommissioned officer may report an allegation of sexual misconduct to the AC-D. This procedure will attach when the allegation involves an act, that if proven true by a preponderance of evidence, would constitute sexual harassment, sexual assault, dating violence, domestic violence and/or stalking.
- vii. False Complaints: Members of The Citadel community who make false reports, with the exception of reports that, even if erroneous, are made in good faith, will be subject to disciplinary action.

B. Processing of a Complaint

Protective Measures: The AC-D may employ protective measures, including but not limited to temporary suspension, class changes, housing changes, meeting room changes, restriction of interaction, no trespass orders, and no contact orders regardless of if a Formal Complaint is filed. The college reserves the right to take interim measures as appropriate. For incidents of sexual assault, dating violence, domestic violence and stalking, The Citadel will make changes to living, transportation, working and academic situations if reasonably available and upon request.

Investigations

- i. Once this process has been determined to have jurisdiction to respond, the AC-D will provide the Complainant and Respondent with written notice outlining the allegations, the name of the investigator(s), the major timeframes of the process, information regarding their rights, and the process to submit evidence and names of witnesses they would like interviewed.
- ii. Investigations will only be conducted by persons who have been annually trained in how to conduct such investigations, including how to engage in proper interviewing techniques and collection of evidence in accordance with the Clery Act.
- iii. The parties (Complainant and Respondent) have the right to an advisor of choice, who may be present at any meeting or disciplinary proceeding in which the party is required to be present. An advisor may be anyone, including legal counsel. An advisor may counsel, advise, and support their party but may not disrupt any meeting or proceeding nor may they ask questions of the investigators or speak for their party. Legal counsel may fully represent the Complainant if the Respondent is formally charged by a law enforcement agency.
- iv. Investigations will consist of interviewing the Complainant, the Respondent, any witnesses deemed to be relevant by the Investigator, and the collection of relevant evidence. Neither party is required to submit witnesses or evidence, however, if evidence or witness testimony is not presented for purposes of the investigation, it will not be permitted in the hearing.
- v. The parties have the right to provide questions to the investigator that they would like asked of the other party. The investigator will ask the questions provided if the investigator determines by that the question is relevant and appropriate (questions regarding prior sexual history or regarding information considered to be privileged, i.e., mental health or medical records, will not be asked.) The investigator will capture the applicable party's responses and share those responses with the requesting party. Both parties will be offered this right.
- vi. The investigation will be finalized as soon as possible. The process will be transparent to the accuser and the accused, and the timeline for completion of the investigation may be extended if the investigation extends over a scheduled Corps furlough or for another good cause and with written notice.
- vii. The investigatory report will be shared, in a timely manner, with the Complainant and Respondent when it is completed, normally no more than 15 business days following the completion of the investigation. The parties are encouraged to inspect the report and offer feedback in writing to the investigator regarding any inaccuracies in the document. The investigator will review the feedback and determine if further investigation is required and if any changes should be made or if the report is final.

- viii. The Complainant and Respondent shall have equal access to evidence and information that will be used to reach a finding.
- ix. The Complainant and Respondent will have timely notice for meetings with sufficient time to prepare.
- x. No person is required to participate in an investigation as a Complainant or Respondent, however, The Citadel may proceed despite a party's cooperation. If a Complainant or Respondent chooses not to participate, they will still be provided with written notice as if they had participated.
- xi. The Citadel shall not discourage or prohibit persons from sharing information with others about their experience with sexual assault, dating violence, domestic violence or stalking or punish them for such speech (unless said speech violates another institutional policy), however, The Citadel strongly encourages the parties to keep such information regarding the investigation private as to protect the integrity of the investigation.
- xii. Under this process, The Citadel retains discretion to conduct an administrative review into allegations of sexual assault, dating violence, domestic violence, and stalking, in absence of a Formal Complaint if and only when the information the college receives is determined to be especially egregious. In determining whether to initiate an administrative review of allegations (1) the nature and the severity of the information; (2) the age of the parties; (3) the history of prior complaints regarding the same individuals, department and/or area; (4) the expressed wishes, if known, of the affected individual(s); and (5) any other pertinent information. If The Citadel does determine to proceed with an investigation without a Formal Complaint, notice will be provided to the involved parties, Complainant and Respondent, and all other "regular" procedures listed herein will follow, including ongoing notice, opportunities to be heard and to present evidence and witnesses, and the right to be notified of the major timeframes of the process and outcome, including rationale and sanctions, if applicable.
- xiii. Once the investigative report is amended with feedback from the parties, the report will be provided, along with relevant evidence, to the AC-D, who will begin the process of convening a Commandant's Board (CB).

Cadet Statements

- i. When a cadet makes an oral or written report or statement, regardless of circumstance, the expectation is that the report or statement is true and contains all the relevant facts known to the cadet.
- ii. Cadets will not use recording devices in investigations without the approval of The Commandant.
- iii. In any official investigation directed by the President, the Commandant, or their representatives, cadets are required to answer questions regarding facts within their scope of knowledge. Cadets are not required to incriminate themselves, though failure to answer such a question can be used against them in a Board, Hearing, or other measure. Cadets may not refuse to answer a question because it might incriminate someone else. Refusal to answer such questions is disobedience of orders.
- iv. See the Honor Manual for a discussion of improper questions.

C. Commandant's Board

1. General

- i. The AC-D (or designee) shall convene a Commandant's Board as soon as feasible from the date the final investigative report is received by the AC-D. Both the Complainant and Respondent will be notified in writing of the date, time, and location for the hearing. They will also receive their hearing rights and be afforded the right to have their advisor of choice present. The advisor may not participate in the hearing and will only be permitted to advise, counsel, and support their party unless the Respondent is formally charged by a law enforcement agency. A cadet representative may also be selected and if not selected, will be appointed by the college for the purposes of the hearing.
- ii. Time limits for the scheduling of a Hearing or a Board are at the discretion of the Commandant.
- iii. Boards or Hearings may accept testimony by telephone or via video teleconferencing.
- iv. Boards or Hearings are administrative in nature and therefore do not constitute legal proceedings.

2. Cadet's Rights Hearing and Commandant's Boards

- v. Students accused of a violation of disciplinary regulations which may lead to suspension, dismissal, or expulsion are entitled to the following:
 - a. To have a fair and prompt hearing before an officer or a board of officers of the College.
 - b. To be informed, in writing, of the offense, and to have reasonable time to prepare a defense. Extensions are approved at the discretion of The Commandant and apply equally to the Complainant as well as the Respondent.
 - c. To be present and present information and evidence on their own behalf.
 - d. To have a list of witnesses against them and either a summary of their testimony or the opportunity to confront and cross-examine the witnesses.
 - e. The Respondent may resign from the College at any time prior to a hearing or an appeal; however, the college will proceed in making and issuing a finding. A Respondent resigning before the completion of a Commandant's Board will resign with prejudice regarding the maximum punishment for the charge they are facing.

3. Composition of the Commandant's Board (CB)

- i. CBs in sexual misconduct proceedings are composed of two College administrators and one cadet, in the rank of Captain or above, selected by the Commandant from a pool of annually and adequately trained persons in accordance with the Clery Act with an additional member of the Commandant's staff serving as a Recorder.
- ii. The Board of three is comprised of a Board President and two voting members for the purposes of the proceeding.
- iii. The Board will convene at the specified date, time, and location. Either party has the right to request to join the hearing virtually or, if physically present in the same space, to have a partition placed between their tables.
- iv. If one or both parties are virtual, each party is still permitted an advisor of choice, who will also be permitted to join virtually.
- v. The proceeding will open and the President of the board will ask both parties if they agree to the board composition and what is contained in the investigative report.
- vi. If both parties agree, the report is entered into the record. If either party disagrees, they should be prepared to state the exact issue they have with the report, including what portions are factually inaccurate. The Board will record the party's responses.
- vii. If neither party disagrees, the Board will ask the parties questions that they have regarding the report. All questions shall be asked by the Board President to each party. At no time shall the parties speak directly to each other. No advisor may ask questions of the board or speak on behalf of their party.
- viii. The Complainant will be questioned first by the Board and the Respondent second.
- ix. Any witnesses who have been called will be sequestered from each other during the hearing and will appear in the hearing during their testimony.
- x. At such time as the Board has asked any questions of the parties, the parties cadet representative shall ask the opposing party any questions their party would like asked. If a party has not selected a cadet representative prior to the hearing, one will be appointed by The Citadel.
- xi. The purposes of examination by the cadet representative is strictly to ask questions each party would like asked of the other party in the presence of the board members. At any point in the questioning, the Chair can instruct a cadet representative to withdraw a question they deem inappropriate for the proceeding. Examples include questions regarding a party's mental health or medical history or

regarding prior sexual history not relevant to the matter at hand or regarding a party's sexual orientation.

- xii. The Complainant and Respondent will be permitted to attend the entire proceeding (i.e., neither will be sequestered for any reason at any point.)
- xiii. Both the Complainant and Respondent can provide an impact statement to the Board. Such statements will be provided to the Board President at the beginning of the proceeding in a sealed envelope and shall not be read until and unless the Respondent is found, using the preponderance of the evidence standard, more likely than not to have engaged in the behavior in violation of The Citadel's policy. The letters, if provided, will be considered before sanctioning decisions are made.
- xiv. A decision will not be issued at the conclusion of the proceeding and the Complainant and Respondent will be notified, simultaneously and in writing, as soon as feasible with the outcome of the proceeding as well as the associated sanction, if applicable. Both parties have the opportunity to appeal the finding as described in the following section.

4. Appeals: Appeals for Class II and Class III offenses go through the AC-D to the Commandant. Class I offenses, including Suspensions and Dismissals go through the Commandant to the President. Class I offenses resulting in Expulsions are made through the Commandant to the President who will confer with the BOV. College Regulations, Chapter VI, establishes the procedures for appeals.

- vi. An appeal does not provide a second forum to present or retry the case.
- vii. The following are exclusive grounds for appeals:
 - a. The Hearing Officer or Board failed to follow the due process outlined in this document and as a result, there was a substantial change in the outcome;
 - b. That significant information has been discovered since the Board or Hearing, which would probably changed the result, but which could not, in the exercise of due diligence, have been presented to the Board or Hearing.
- viii. Cadets and/or students who have been suspended, dismissed, or expelled by proper authority, are entitled to appeal. Complainants also have the right to appeal.
- ix. Written petitions of appeal must state the grounds on which the appeal is based and must be received by the Office of the President within five (5) working days after the date the punishment is announced.
- x. The President will then transmit to members of the Review Committee the petitions of appeal and all related evidence of record if required.
- xi. If the Review Committee determines that the petition of appeal is not meritorious, the case will be dismissed with finality.
- xii. If the committee determines that the petition merits consideration of the Board of Visitors, only in cases resulting in the Expulsion of a cadet, it shall identify those issues for review by the President or the Board of Visitors.
- xiii. A cadet and/or student who is awarded punishment of suspension, dismissal, or expulsion and who has submitted a petition of appeal to the proper authority may request permission of the President to attend classes until final action is taken on the petition of appeal.
- xiv. Once a cadet is expelled, dismissed, or suspended and the appeal process is complete, that cadet will not wear The Citadel uniform or use a Citadel identification card, unless they are readmitted.

Sexual Misconduct Proceeding Hearing Officer's Guide:

Hearing Officers: Three selected from annually trained pool by Commandant. All Voting Members, One Assigned as Board President. Decision is determined by majority vote.

The Recorder will ensure that the proceeding is audio taped. Such tape will be maintained for five (5) years in accordance with current Citadel policy, which designates the timeframe for the maintenance of cadet disciplinary records.

Prior to the commencement of the proceeding, all Hearing Officers, Including the Board President, will review the investigative report and evidence, as well as any feedback provided by the parties to the assigned investigator(s).

Step 1. Hearing Officer #1:

Notes: _____

Step 2. Hearing Officer #2:

Notes: _____

Step 3. Board President – Begin the Hearing with the Complainant and advisor, if present, and the Respondent and advisor, if present. No other parties are permitted in the hearing room unless called by the Board President for purposes of questioning and only after the Complainant and Respondent's questions have been asked, if applicable. The Complainant and Respondent should both be asked if they have a sealed envelope containing their impact statement(s) that they would like to provide to the Board. *If virtual, the envelope should be received by the Board President at least 24 hours in advance of the proceeding.

Notes: _____

Step 4. Recorder – Inform the accused as follows: "Cadet _____, you are alleged to have engaged in the following acts of sexual misconduct (read allegations from notice letter provided to the Respondent at the onset of the investigation):

You do not have to make any statement regarding the offense(s) of which you are accused. You are advised that this is not a trial but an administrative proceeding. The formal rules of evidence do not apply in administrative proceedings and the goal of this proceeding is to determine, using the preponderance of the evidence standard, whether it is more likely than not that you engaged in the misconduct as alleged."

Step 5a. Recorder – To the Accused-“First, please state the name, if applicable, of your advisor of choice who is present with you today as well as the name of the cadet representative you have selected/has been provided for you by The Citadel.” (Record name) Secondly, ask the Respondent: “Do you have any questions about what I just read?”

Respondent/Notes: _____

Step 5b. Recorder – To the Complainant-“First, please state the name, if applicable, of your advisor of choice who is present with you today as well as the name of the cadet representative you have selected/has been provided for you by The Citadel.” (Record name) Secondly, ask the Complainant: “Do you have any questions about what I just read?”

Complainant/Notes: _____

Step 6a. Recorder – To the Complainant: “Do you agree with the information that is contained in the investigative report of which you have been provided a copy?” If YES-record the response. If NO, follow up with “Please state specifically what information is contained in the report that you perceive to be factually inaccurate. By this, I would like to know specifically which pages and passages you disagree with and why.”

Witnesses/Notes: _____

Step 6b. Recorder – To the Respondent: “Do you agree with the information that is contained in the investigative report of which you have been provided a copy?” If YES-record the response. If NO, follow up with “Please state specifically what information is contained in the report that you perceive to be factually inaccurate. By this, I would like to know specifically which pages and passages you disagree with and why.”

Witnesses/Notes: _____

Based on the answers of the parties to Steps 6a and 6b above, the Board President may elect to recess the proceeding for 15 minutes to confer with the Board to determine if additional questions other than those already prepared need to be asked of either party. If no recess is needed, the Board President should be prepared to move on to asking any questions the Board has of the party. The order is Complainant, Respondent and then witnesses.

Step 7a. The Recorder asks questions of Complainant.

Step 7b. The Recorder asks questions of the Respondent.

Step 8. Recorder – At this point, there may be no additional questions. If so, the proceeding concludes. However, if witnesses need to be questioned, the Board President should summon them one by one.

For each witness who was interviewed during the investigation: Ask questions the Board have for the witness.

Witness 1

/Notes: _____

Witness 2

/Notes: _____

Witness 3

/Notes: _____

Witness 4

/Notes: _____

Witness 5

/Notes: _____

(Use additional blank paper if necessary)

Step 9a. Recorder – To Respondent: “Would you like to ask any questions of any of the witnesses?”

Respondent/Notes: _____

Step 9b. Recorder – To Complainant: “Would you like to ask any questions of any of the witnesses?”

Respondent/Notes: _____

Step 9c. Recorder – After all witnesses have spoken and the parties have had the opportunity to ask questions, the Recorder reviews all documents in their possession that pertain to the case and will ask the parties any final questions.

Accused/Notes: _____

The Cadet representatives will now be provided an opportunity to ask questions their party would like asked of the other party. The advisor for the Respondent will proceed first and then the Complainant's cadet representative will ask any questions they have been provided.

Step 10a. Cadet representative – To Respondent: "Would you like me to ask any questions of any of the Complainant? (Or, if questions have been provided to the Cadet representative, they should proceed with asking.)

Respondent/Notes: _____

Step 10b. Cadet representative – To Complainant: "Would you like me to ask any questions of any of the Respondent? (Or, if questions have been provided to the Cadet representative, they should proceed with asking.)

Complainant/Notes: _____

Step 11. Recorder – To the Parties: "I understand that these proceedings are especially hard. We have read the investigative report and heard from each of you and the witnesses, if applicable. At this time, we will be concluding this proceeding. As you know, we will not be issuing our finding today. By policy, we have seven business days to issue the finding. When we have done so, the finding will be issued to both of you, simultaneously and in writing, and will include our finding of in violation or not in violation for each specified allegation. Additionally, in the written notice of outcome letter you receive, we will include a written summary of how we arrived at our decisions and explain how we applied the evidentiary standard to the evidence and testimony that was provided. Lastly, the written outcome will include the associated sanctions, if applicable. You both have equal rights to appeal the findings, sanctions, both or neither and the written letter will also explain the process for filing such an appeal. I warn everyone involved in this board process that all information contained within this proceeding is private and you should not discuss this with anyone after departing this board. This is not to deter you from seeking forms of support or help from our campus resources; however, we discourage you from sharing this private information with those who are not "need to know." I also remind both the Complainant and the Respondent that all administrative actions, such as No Contact Orders, remain in effect. Are there any final questions? Thank you."