

**Complaint Handling Procedures for Discrimination and Harassment Matters
Involving a Student as a *Respondent***

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I. Overview

Duke University is committed to encouraging and sustaining a learning and living community that is free from harassment, violence, and prohibited discrimination. [The Office for Institutional Equity \(OIE\)](#), in consultation with the [Office of Student Conduct \(OSC\)](#), has developed these Procedures for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a Student (undergraduate, graduate, and Professional) as the Respondent (“Student Procedures”). Further, Duke conducts extensive education and awareness programs with the goal of preventing and discouraging sexual/gender violence and other forms of sexual misconduct.

These Procedures outline reporting, investigation, and report resolution procedures in cases where it is alleged that a Duke student (undergraduate, graduate, professional, or any student enrolled in any Duke program) is alleged to have engaged in Prohibited Conduct as defined in the [Policy Prohibiting Discrimination, Harassment and Related Misconduct](#) against anyone (e.g., a student, employee, or third party such as a visiting athlete, guest speaker, or contractor). Formal complaints of Title IX Sexual Harassment will be addressed under the Title IX Sexual Harassment Grievance Procedures.

These Procedures describe to whom violations of this policy should be reported; avenues for confidential reporting; immediate/interim/long-term measures available to the complainant and the respondent; how the university will investigate and resolve alleged violations.

Individuals with disabilities may request reasonable accommodations during the investigative process. [OIE](#) will consult with the [Disability Management System](#) to determine what accommodations might be appropriate based on documentation provided by the individual to [OIE](#) or to the [Disability Management System](#) directly regarding the nature of the disability and its impact on the individual’s ability to participate in the proceedings.

II. Reporting

In general, Duke provides two ways to raise concerns about possible Prohibited Conduct, Confidential Resources and Non-Confidential Reporting Options. Confidential Resources are detailed in the Policy. Making a non-confidential report of Prohibited Conduct means that [OIE](#) will contact the Complainant to offer resources and support, and to identify the appropriate action to respond to the report as outlined in these procedures. To make a report of alleged conduct against a student, individuals are encouraged to contact:

Victoria Krebs
Associate Dean of Students, Title IX Outreach & Response
208 Crowell Hall
[919-684-6938](tel:919-684-6938) | victoria.krebs@duke.edu

Students may also contact [OIE](#) at [919-684-8222](tel:919-684-8222), OIE-help@duke.edu, or <https://cutt.ly/duke-oie-incident-report>.

A complaint should identify the complainant, the respondent, and the specific allegations of the Prohibited Conduct. The complainant may communicate the complaint either orally or in writing. A complainant may request that the University investigate a report of Prohibited Conduct by filing a complaint with [OIE](#).

Once a report is received, an investigation and/or immediate actions may occur, including adjudication through the disciplinary process, supportive measures, reasonable academic or housing modifications, or other measures designed to reasonably minimize the possible recurrence of, and mitigate the effects of, the alleged conduct. [OIE](#) or the [OSC](#) may take immediate action and/or issue interim measures in response to

a report, including but not limited to restrictions on contact between the complainant, the respondent, and/or other involved parties; exclusion from areas of campus; and, removal or relocation from residential areas.

A complainant may request that [OIE](#) not reveal the complainant's identity in responding to a report. A complainant may also request that the university take limited or no action in response to a report.

A request to preserve the confidentiality of any party involved in a report or that no action be taken should be made to [OIE](#), [919-684-8222](tel:919-684-8222), OIE-help@duke.edu. Staff in [OIE](#) will confer with [OSC](#) about the request and inform the party of the extent to which confidentiality may be maintained. The university will attempt to preserve the confidentiality of the complainant and/or respect a request for limited or no action in response to a report except when, in the university's judgment, doing so would jeopardize the safety of members of the university community (including the complainant) or where the university is required by law to disclose the information (such as in response to a legal process).

The respondent has the right to (and is strongly encouraged to seek) counseling and support available through support services such as [CAPS](#), [DukeReach](#), or other university and local resources.

The respondent may request, or [OIE](#) may change, academic and living situations and will be notified as to what changes are reasonably available and/or are being implemented.

III. Timelines

[OIE](#) seeks to resolve reports under this policy within 90 business days from receipt of a report, excluding days classes are not in session.

Generally, within 15 business days after completion of an investigation, an administrative or panel hearing, if applicable, is scheduled. During this time, [OIE](#) staff may seek clarifying information and/or meet with a complainant, respondent, investigator, or others.

In extenuating circumstances, [OIE](#) has authority to extend timelines. In the case of such an extension, [OIE](#) will notify the relevant parties of the extension, including the reason(s) for the extension. Examples of extenuating circumstances include the complexity of the case, delays due to holiday or University breaks, the unavailability of parties or witnesses, and inclement weather or other unforeseen circumstances. The phrase "business days" shall refer to those days ordinarily recognized by the Duke University administrative calendar as work days.

Exceptions to these time frames will be communicated in writing to the complainant and respondent.

IV. Advisors

The complainant and respondent have access to trained Disciplinary Advisor, to guide them through the disciplinary process, or an advisor of their choice. The complainant and respondent may consult with anyone they wish (including an attorney) during any stage of this process. One advisor of the complainant's/respondent's choice (either the university-appointed Disciplinary Advisor or another advisor of their choice) may accompany the complainant/respondent to any meeting with [OIE](#) staff, the investigator, or to a hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the complainant or respondent through written correspondence or whisper, and the advisor may not address any other participant or the hearing panel. An advisor may not also be a witness.

V. Alternative Resolution

Either party may request, or [OIE](#), in conjunction with the [OSC](#) in its discretion, may offer the parties the opportunity to resolve a report using alternative resolution (e.g., restorative principles or mediation). Both parties must agree to participate in the alternative resolution. Should the alternative resolution not be successful, the complainant may initiate/resume the investigation and hearing process. Please contact the [OIE](#) for more information about Alternative Resolution.

VI. Formal Investigation

[OIE](#) will review the complaint to determine the most appropriate manner for responding to the allegations.¹At any time prior to the conclusion of the investigation, the complainant may withdraw a complaint. However, if the allegations or information obtained through the investigation raise issues of potential serious concern to the Duke community or for other compelling reasons, [OIE](#) may nonetheless proceed with an investigation. Whether the circumstances warrant an investigation in the absence of a complaint is in the discretion of [OIE](#).

Once a complaint is accepted for investigation, [OIE](#) shall assign the complaint to an investigator. The investigator will interview the Complainant and Respondent in order to review the disciplinary process and to gather facts relevant to the Formal Complaint. The investigator will also interview witnesses identified by the parties as likely to have relevant information about the Formal Complaint. Where the investigator deems necessary, they may interview an individual more than once. Before any interview, the individual being interviewed will be informed in writing of the date, time, location, participants, and purpose of the interview. Such notice will be provided with sufficient time for the individual to prepare for the interview. After collecting information, the investigator will submit a written report of relevant information to [OIE](#) and [OSC](#) staff for review as to completeness and relevance, and direct further investigation as necessary before the report is shared with the complainant and respondent.

[OIE](#) staff, or the hearing panel, as appropriate, may exclude and/or redact:

- Information that has no bearing on a fact at issue in the case, is more prejudicial than probative, or is duplicative;
- Prior or subsequent sexual activity, unless the previous or subsequent behavior (as shown by witness testimony and/or past school disciplinary findings) was substantially similar to the conduct at issue or indicates a pattern of behavior and substantial conformity with that pattern;
- Medical or mental health information, treatment and/or diagnosis, unless relevant to a fact at issue in the case;
- Sensitive personally identifying information (e.g., social security numbers, contact information, etc.).

Polygraph examinations and/or their results are neither admissible nor considered in any part of the disciplinary process. Character witnesses are also not permitted.

¹ Some allegations may clearly fall outside the scope of policies implemented by [OIE](#). See Section III of the Policy. In such cases, [OIE](#) may refer the matter to the [Office of Student Conduct, Human Resources Staff and Labor Relations](#), the department, or other University office or administrator. In these instances, [OIE](#) will, to the extent possible, notify the complainant of such. If a matter includes issues within the scope of [OIE](#)'s policies as well as involving other Duke policies, the appropriate administrators will work together to determine how to handle the matter, including whether one office or the other can handle the entire matter.

The draft investigator's report will be shared with the complainant and respondent, who then have five (5) business days to respond in writing to the report with any clarifications, additional witnesses requested to be interviewed (including a brief summary of information each witness would provide), or other relevant information. The complainant and respondent must also submit in writing by that time the names of any witnesses the complainant/respondent wishes to testify (should the matter proceed to a hearing) and a summary of information each witness would provide through their testimony. Names of witnesses provided by the complainant/respondent will be shared with the other party.

The investigator will review the feedback to the report, interview additional relevant witnesses (as the investigator deems appropriate), and make changes/additions to the report as determined by the investigator. After the five-business-day deadline, the complainant and respondent may not provide any additional written information for the hearing packet or hearing, unless that information was not reasonably available prior to the closing of the 5-day window. The decision maker or [OIE](#), as appropriate, determines whether to grant exceptions to this 5-day deadline.

[The Office for Institutional Equity](#) will determine what, if any, final changes or additions are made to the investigator's report based upon its review of the report and feedback as described above from the complainant and respondent.

[OIE](#), in consultation with the [OSC](#), will determine whether to proceed to a hearing based on its assessment of whether there is sufficient information to believe that a policy violation may have occurred. The [Office for Institutional Equity](#) will convey this decision in writing to the complainant and respondent as applicable, who may ask that the [Office for Institutional Equity](#) reconsider its decision.

When [OIE](#) decides that a case should proceed to a hearing, the case will be forwarded to [OSC](#) for resolution. [OSC](#) may resolve the case either through an adaptable conflict resolution method and/or disciplinary hearing. The types of resolutions and/or applicable hearing procedures can be found in the "Resolution of Student Conflict and Alleged Violations of University Policy" section of the [DCS Guide](#). If this matter is referred to a disciplinary hearing, the decision maker(s) will use a "preponderance of evidence" (more likely than not) standard.