

Rights of the Reporting Party

Reporting parties have federally-conveyed rights under Title IX and VAWA Section 304 (amending the Clery Act). The key to understanding these rights is that they adhere regardless of what role the reporting party plays in the resolution process. They can be a full participant or completely unwilling, but their rights attach to their status as a person impacted by discrimination, not to their chosen role in the campus resolution process.

Here are a list of those rights:

- The right to a prompt and effective remedy (including initial actions)
- The right to a thorough, reliable and impartial investigation
- A prompt, fair, and impartial proceeding that is:
 - Completed within reasonably prompt timeframes designated by an institution's policy,
 - Allows for the extension of timeframes for good cause with written notice to the Reporting Party and the Respondent of the delay and the reason for the delay;
 - Conducted in a manner that is consistent with the institution's policies and transparent to the Reporting Party and Respondent;
 - Includes timely notice of meetings at which the Reporting Party or Respondent, or both, may be present; and
 - Provides timely and equal access to the Reporting Party, the Respondent, and appropriate officials to any information that will be used during informal disciplinary meetings and hearings; and
 - Conducted by officials who do not have a conflict of interest or bias for or against the Reporting Party or the Respondent
- The right to an advisor of their choosing throughout the campus resolution process
- The right to be free from retaliation
- The right to a resolution that ends discrimination, prevents its recurrence and remedies its effect on the reporting party and the community
- The right to equitable program access
- The right to equitable resolution processes
- The right to simultaneous, written notification of the outcome, which includes the finding, any sanctions, the rationale therefor, when the results become final, any changes that occur to the results before they are finalized, and their appeal options, if any
- The right to notify local law enforcement of their victimization, and to be assisted in making that notification by campus officials
- The right to be free from deliberate indifference, disparate treatment, disparate impact and retaliation on the basis of their sex/gender
- The right to written notification (brochure or pamphlet) of a campus' nondiscrimination policy and procedures, Title IX Coordinator, contact information for OCR, rights, options existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community
- A statement of applicable campus policies and procedures
- To advance notice of any resolution meeting at which both parties will be present
- The right to have all those involved in the resolution process (investigators, hearing officers, appeals officers) properly trained
- The right to have the preponderance of evidence standard applied
- To a list of all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking
- Confidentiality of any accommodations or protective measures provided to the Reporting Party