



Rights of the Accused Party

Any Brazosport College Community member who has been accused of violating sexual harassment and misconduct policies as outlined in policy FFD (Local), has the right to:

Right to information regarding sexual misconduct report

- Be provided written notice that a complaint has been filed. The notice shall inform the accused of his or her rights under this policy and inform the accused not to contact the complaining party or to engage in retaliatory actions.
- Be informed of and have access to campus resources for medical, health, counseling, and advisory services.
- Be informed in advance, when possible, of any public release of information regarding the report.

Rights during a sexual misconduct investigation

- Be assisted by an adviser of their choosing during any meeting or proceedings related to Title IX complaints.
- A prompt investigation of complaint, usually within 15-60 calendar days.
- Periodic status updates in writing throughout the investigation process.
- Provide documentation or other tangible evidence to the investigator.
- Notified in writing of the disposition of the complaint and the process for appealing an adverse decision.

Rights during disciplinary procedures

- If the accused party does not dispute the facts, they may sign an acknowledgement and a written waiver of the hearing procedures and participate in an informal resolution with the Dean of Student Services or his/her designee.
- If the party disputes the charge or the proposed sanction, the charges shall be heard and determined by the College Community Appeals and Adjudication Board (CAAB). pp.1
- Receive a copy of the letter setting forth the charges and the scheduled hearing at least 10 class days in advance. The notice should contain information about the specific charges, a general description of the evidence in support of the charges, the policies alleged to be violated, and the identity of the members of the hearing panel.

- Participate in the administrative hearing and to be accompanied by an advisor of their choosing. The advisor may attend the hearing and confer with the student but may not participate in making arguments or presenting evidence.
- Receive a list of witnesses and a brief description of each witness's knowledge at least 3 business days prior to the hearing.
- Receive a copy of all proposed exhibits at least 3 business days prior to the hearing. Present witnesses or have witnesses speak on their behalf at the hearing.
- Question witnesses presented by the administration. In cases of sexual misconduct, the CAAB will determine the manner of questioning to prevent direct questioning of the complaining party by the accused party.
- Decline to testify at hearing.
- Obtain a finding based on a preponderance of evidence.
- Receive notice of all proceedings and have the opportunity to attend except for deliberations.
- Have disciplinary records and proceedings kept separate from the student's academic record and shall be treated as confidential to the extent required by FERPA.
- Receive the final hearing decision in writing at the same time as the other party without being required to sign a nondisclosure agreement.
- Not to have irrelevant prior sexual history admitted as evidence in a campus resolution process.

Rights during appeal process

- If dissatisfied with the investigation or the resolution of the complaint, submit a written appeal to the vice president, academic and student affairs, within five days of the complaint resolution.
- Appeal decision in disciplinary procedures through the vice president, academic and student affairs, within 10 calendar days of the initial decision.
- The vice president, academic and student affairs, shall provide a copy of the response to both parties.