

Rights of the Responding Party

Contrast the rights of the reporting party with those of the responding party, and there is an interesting contrast. The responding party has the following rights

- To due process, on a public campus. This usually entails written notice, a hearing before an objective Hearing Officer and a full opportunity to confront and respond to the evidence.
- On a private campus, the right to a fundamentally fair process. This includes the right to have campus policies and procedures followed without material deviation, and the right to a substantively fair decision (one that is neither arbitrary nor capricious)
- A statement of applicable campus policies and procedures
- 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 an advisor of their choosing throughout the campus resolution process
- The right to be free from retaliation
- 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
- 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 and formal disciplinary meetings and hearings; and
 - Conduct by officials who do not have a conflict of interest or bias for or against the Reporting Party or the Respondent
- To advanced 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