

Disciplinary Procedures Following a Complaint

Whether or not criminal charges are filed, a person- *including students, employees, and third parties, e.g., visitors, patients, contractors, and applicants*- may file a complaint with the Office for Institutional Equity under the Policy on Prohibited Discrimination, Harassment, and Related Misconduct.

Reports of all domestic violence, dating violence, sexual violence, and stalking made to the Duke University Police Department will automatically be referred to the Office of Student Conduct and Community Standards and/or the Title IX Coordinator, **regardless of whether the affected individual chooses to pursue criminal charges.**

A representative of the University will contact the affected individual to determine whether there may be a violation of Duke policy, including whether there should be an investigation.

The University disciplinary proceeding will generally include a prompt, fair, and impartial investigation, and resolution process. University employees responsible for the disciplinary process are trained annually on the issues related to domestic violence, dating violence, sexual violence, and stalking. They are taught how to conduct an investigation and hearing process that protects the safety of all those involved in the matter and promotes accountability.

The process provides that:

1. The complainant and the respondent each have the opportunity to be advised by an advisor of their choice, at any stage of the process, and to be accompanied by that advisor at any meeting or hearing.
2. A decision is based on the preponderance of evidence standard, i.e., a “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused violated the university’s policy?”
3. The University seeks to resolve most complaints within 90 business days from the date the parties receive notice of the investigation.
4. The complainant and the respondent will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final.
5. Dependent upon the applicable complaint handling procedures- the complainant and the respondent each have the right to appeal the outcome of the hearing with appropriate timelines for resolution. This must be explained in a written notice and both parties will be notified simultaneously in writing of the final outcome after the appeal is resolved.

Retaliation against anyone participating in the resolution of a complaint is prohibited by Duke University.

In all cases, investigations/hearings that result in, or have a final outcome of “more likely than not” that a policy violation occurred will lead to the initiation of disciplinary procedures against the accused individual.

University sanctions for students can include:

- Expulsion
- Degree Revocation
- Suspension
- Dissolution (Group)
- Suspension of Activity (Group)
- Disciplinary Probation
- Disciplinary Probation (Group)
- Formal Warning
- Admonition
- Withdrawal of Privileges
- Housing License Restrictions/Revocation
- Exclusion
- No Contact Directive
- Restitution
- Fine
- Community Service
- Mental Health/ Medical Assessment and/or Treatment
- Educational Projects/ Initiatives

University sanctions for employees can include:

- Termination
- Suspension
- Final Written Warning
- Written Warning
- Documented Counseling.

More Information

If you would like more information than is contained in this handout regarding any process or procedure, or if you would like to make a report, ask questions about Duke's policy.

Duke University's Title IX coordinator:

Cynthia Clinton

*Vice President for Harassment Prevention and
Nondiscrimination, Title IX Coordinator*

114 S. Buchanan Blvd., Bay 8
Durham, NC 27708

Phone: 919-684-8222

Email: cynthia.clinton@duke.edu

Duke Policy on Prohibited Discrimination, Harassment, and Related Misconduct:

Website: <https://oie.duke.edu/ppdhrm>

Workplace Violence Prevention and Response Policy:

Website: <https://hr.duke.edu/policies/workplace-health-safety/violence-prevention-response>

Office for Institutional Equity

Phone: 919-684-8222

Website: oie-help@duke.edu

