

TAP 31 APPENDIX C
RIGHTS AND RESPONSIBILITIES OF THE COMPLAINANT, RESPONDENT,
AND UNIVERSITY UNDER TAP 31

I. STATEMENT OF COMPLAINANT, RESPONDENT, AND UNIVERSITY RIGHTS

Duquesne University's TAP 31 Resolution Process is designed to be accessible, prompt, equitable, and impartial.

Throughout the Resolution Process, both the Complainant and Respondent have the following rights:

- To be treated with respect, dignity, and sensitivity.
- To be accompanied by a support person of their choosing at all meetings and the hearing, if one occurs.
- To be guaranteed privacy to the extent possible, consistent with applicable law and TAP 31.
- To expect a prompt and thorough review of the allegations that a violation of TAP 31 was committed.
- To be informed about the University's TAP 31 and the TAP 31 Resolution Process, including applicable timeframes.
- To receive regular updates regarding the progress of the University's response to an allegation of a violation of TAP 31.
- To be given adequate time to review the hearing file in the Office of Title IX Coordinator.
- To supplement the Title IX Coordinator's file with new or rebuttal evidence pursuant to Appendix B of Tap 31.
- To identify witnesses for a hearing. To receive notice of the other party's witnesses prior to a hearing.
- In the event of a hearing, to recommend questions for the other party and any witnesses to the Hearing Panel, which the Hearing Panel may or may not ask in its discretion.
- To receive written notice of the Hearing Panel's finding.
- To appeal a Hearing Panel's decision to an Appeal Panel in accordance with the appeal rules set forth in Appendix B of TAP 31.
- To receive written notice of the Appeal Panel's finding.
- To expect that Hearing and Appeal Panel members will receive annual training on TAP 31 and related state and federal laws including Title IX.
- To expect that the Hearing and Appeal Panels will make findings based upon a preponderance of the evidence standard.

In addition to the above-named rights, the Complainant has the following rights:

- To report the incident to law enforcement (including Duquesne University Public Safety or the police department in the jurisdiction in which the incident occurred) at any time.

- To decline to participate in the TAP 31 Resolution Process. A Complainant’s decision not to participate in the Resolution Process will not prevent the University from proceeding with the information available if necessary to protect the broader university community, including the Complainant.
- To receive written notice of sanctions against the Respondent, if any, that directly relate to the Complainant.
- To expect that irrelevant prior sexual history will not be admitted as evidence at a hearing.

In addition to the above-named rights, the Respondent has the following rights:

- To expect notice of the allegations raised under TAP 31 and to have an opportunity to respond.

In addition to the above-named rights, the University has the following rights:

- To initiate charges against a Respondent where the Complainant does not wish to pursue charges, consistent with the University’s obligation to provide a safe, non-discriminatory environment for all members of the University community, including the Complainant.
- To impose Remedial and/or Protective Measures in its discretion, consistent with the information contained in TAP 31.
- To maintain, release, and allow inspection of disciplinary records consistent with the Family Educational Rights and Privacy Act and other applicable state and federal law and reporting requirements.

II. RESPONSIBILITIES OF THE COMPLAINANT, RESPONDENT, AND UNIVERSITY

Throughout the Resolution Process, the Complainant, Respondent, and University have the following responsibilities:

- The Complainant and the Respondent are expected to be truthful throughout the TAP 31 Resolution Process.
- The Complainant and the Respondent, and all University participants, are expected to refrain from retaliating against anyone who participates in the TAP 31 Resolution Process
- The University is expected to follow TAP 31 and its attached Appendices without material deviation.