

Supplemental Appendix for “Gender Equity and Due Process in Campus Sexual Assault Adjudication Procedures” by Kamaria B. Porter, Sandra R. Levitsky and Elizabeth A. Armstrong, in *The Journal of Higher Education*

Table 1.

Sample Descriptive Characteristics. n=381

Institutional Characteristics	<i>n</i>	%
<i>Geographic Region</i>		
Northeast	107	28.1
Midwest	105	27.6
South	123	32.3
West	46	12.1
<i>Sector</i>		
Public	184	48.3
Private Non-Profit	197	51.7
<i>Selectivity</i>		
Ivy League	8	2.1
Highly Selective	38	10.0
Other Elite	23	6.0
Less Selective Private	145	38.1
Less Selective Public	145	38.1
Nonselective	22	5.8
<i>Peer Groupings</i>		
Women's College	12	3.2
Historically Black College or University	22	5.8
Religiously Affiliated	98	25.7
State Flagship	50	13.1
Ivy League	8	2.1
<i>Athletic Conference</i>		
Big 10 Conference	14	3.7
Big 12 Conference	10	2.6
Peach Conference	11	2.9
NESCAC Conference	9	2.4
NCAA Member	321	84.3
<i>Sampling</i>		
Certainty Sample	114	30.0
Probability Sample	267	70.0

Note: 31 schools were in both the Certainty and Probability samples.

Coding Instrument for Student Sexual Misconduct Adjudication Procedures

Porter, Levitsky, & Armstrong (2022)

We'll be coding the policy decisions schools use to adjudicate sexual misconduct. The questions relate to the different stages of adjudication. Please refer to directions and training on the issues we're concerned with in each stage.

Q2.1 Reporting

Q2.2 Who can initiate a formal report? (Check all that apply)

- The harmed individuals
- Mandatory reporters/ responsible employees
- Witnesses and third parties
- The school vaguely encourages everyone to report
- Unclear (please explain) _____

Q2.3 What person or office is identified as the "complaint officer"? This individual or office must receive a report or complaint in order for a formal investigation to commence. (Check all that apply)

- Title IX Coordinator/ Title IX Office
- Dean of Students / Office of Student Affairs
- Institutional Equity / Diversity, Equity, and Inclusion Officer or Office
- Equal Opportunity /Anti -Harassment/ Discrimination Office or Officer
- University Police, Security, Public Safety
- Other _____

Q2.4 You selected more than one person for complaint officer, are those people

- the same person with multiple titles
- two different people

Q2.5 Copy and paste the policy text used to describe both who can report and who can receive reports here:

Q3.1 Stage: Initial Determination

Q3.2 Can the "complaint officer" dismiss or "throw out" a case at this initial stage? (check all that apply)

- Yes, the "complaint officer" can decide not to pursue a case based on the complainant wishes not to proceed.
- Yes, the "complaint officer" can decide not to pursue a case because the offense is not covered in the policy.
- Yes, the "complaint officer" can decide not to pursue a case because of a lack of evidence.
- Yes, the "complaint officer" can decide not to pursue a case because it was not reported soon enough after the incident.
- Yes, the "complaint officer" can decide not to pursue case with no reason provided.
- No, this decision is made through a Review Panel or similar group that weighs the decision.
- Not stated (please explain)

Q3.3 How does the university handle cases where the complainant (survivor) does not want to proceed with any adjudication process? (Check all that apply)

- The university respects the complainant's wishes and does not move forward with the complaint
- The university respects the complainant's wishes unless there is a threat to the community and/or other specified conditions
- The university reserves the right to move forward with the complaint without specifying any conditions.
- The university compels the complainant to participate or sanctions complainants for not participating).
- Not stated (please explain). _____

Q3.4 Copy and paste the policy text used to describe criteria used by the "complaint officer" to decide whether a report goes forward to an official investigation.

Q4.1 Stage: Procedure

Q4.2 Does the university offer multiple avenues for resolution for student sexual misconduct (e.g., both formal and informal/alternative resolution processes)?

- Yes, there are multiple avenues for resolution
- No, only a formal process is described
- Unclear [Please elaborate] _____

Q4.3 Does the school mention any of the following as informal resolution options for student sexual misconduct? (Check all that apply)

- Restorative Justice Conference or Process
- Mediation
- Conflict Resolution
- Meeting with a religious/clergy member
- Other _____

Q4.4 Is there an option for a student respondent voluntarily to accept responsibility before any formal process begins?

- Yes
- Not included

Q4.5 Copy and paste the policy text used to describe the range of resolution processes available and any description of informal resolution.

Q5.1 Fact Finding

Q5.2 Which policy choice best reflects how the school conducts FACT FINDING for cases of sexual misconduct? (Schools often refer to this as the investigation phase) (Select one)

- Fact finding process conducted by a single investigator who interviews all parties, witnesses, reviews evidence, and produces an investigation report.
- Fact finding process occurs through a live hearing, where both parties present their stories, witness accounts, and evidence to a board or panel.
- Fact finding process occurs through a combination of a single investigator and a live hearing.
- The university provides little or no information on the process of discovering what happened. [please elaborate] _____

Q5.3 Copy and paste the policy text used to describe the FACT FINDING or INVESTIGATION process.

Q5.4 Who conducts the investigation for STUDENT sexual misconduct complaints? (Select any mentioned)

- Title IX Coordinator
- Dean of Students
- An investigator/designee from the Title IX Office (i.e., Deputy Title IX Coordinator)
- An investigator from the Office of Institutional Equity
- Campus Police/Campus Safety Office
- Human Resources
- An investigator from Student Life/Student Affairs
- An unnamed investigator from within school _____
- Outside investigator
- Unclear or not specified _____

Q5.5 Does the university use more than one investigator for a given case of student sexual misconduct? (Select One)

- Yes
- No

Q5.6 As the single investigator conducts the FACT-FINDING processes, they may interview both parties, talk to witnesses, and review other evidence. During that process does any of the following occur in student sexual misconduct cases: (Select any that apply)

- Complainant and Respondent can review and/or respond to each other's' statements during fact finding
- Complainant and Respondent can review and/or respond to evidence during fact finding
- Complainant and Respondent can review and/or respond to a preliminary investigation report before finding is made.
- No mention of including student feedback during fact finding process.

Q5.7 Copy and paste the text used to describe the fact-finding process through an investigative model.

Q5.8 This question concerns hearing panels or boards for FACT FINDING. Who serves on this hearing board for student sexual misconduct cases? (Select all that apply)

- Faculty
- Staff and/or Administrators
- Students
- People from outside the university
- A panel or group with no clear description _____

Q5.9 Who selects the members of the hearing board

- Dean of Students
- Title IX Coordinator or Office
- Student Affairs/Student Conduct
- Institutional Equity Officer
- President or Chancellor
- Other (please describe) _____
- Not mentioned

Q5.10 During the live hearing, can the complainant and respondent question each other?

- Yes, the school allows direct cross examination between the complainant and respondent.
- Yes, students can question or cross examine each other, but only through an advisor (a lawyer, advocate, support person).

- There is no cross examination, but students can submit questions for a hearing officer or panel to ask of the other party.
- No, the school prohibits cross examination or any questioning of parties.
- Unknown, the school does not address cross examination

Q5.11 Copy and paste the policy text used to describe the fact-finding process through a live hearing model.

Q6.1 Stage: Finding of Responsibility

Q6.2 Sometimes the school will have a single investigator conduct the FACT FINDING and have another individual or a board or panel decide the FINDING OF RESPONSIBILITY. We call this a HANDOFF. Does any of the following happen in student sexual misconduct cases? (Select one)

- The individual/office completing the investigation report hands the report off to another individual or office to review and decide on the finding of responsibility. Please specify the individual or office deciding on the finding of responsibility. [SPECIFY] _____
- The investigation report is handed off to a panel or board to review and decide the finding. The board only uses the report and the investigator to make their decision (no interaction with students involved)
- The investigation report is handed off to a panel or board to review and decide the finding. The board can call the Respondent, Complainant, and Witnesses to help decide the finding.
- The investigation report indicates a finding but, the Respondent or Complainant may reject the finding, handing off the case to a hearing to review and potentially reverse the finding.
- There is no handoff at this stage. This is a pure single investigator model. A single person conducts the investigation and decides the finding, with possible oversight.
- There is no handoff at this stage. The school uses a live hearing to both conduct fact finding and determine responsibility.
- Not Stated

Q6.3 Please describe what happens between FACT FINDING and the FINDING OF RESPONSIBILITY with as much clarity as you can for student sexual misconduct cases.

Q6.4 Who decides the finding of responsibility (up to this stage) for student sexual misconduct cases? (Select all that apply) This does not include the appeals process.

- Title IX Coordinator or Someone from Title IX office
- Dean of Students or Someone from Student Affairs office
- Institutional Equity officer or office
- Provost
- The investigator who conducted fact finding
- The board that conducted fact finding _____
- A board or panel (i.e., Judicial Board) _____
- Other [please specify] _____
- Not stated

Q6.5 Copy and paste the policy text used to describe who decides the finding of responsibility.

Q7.1 Stage: Sanctions

Q7.2 Who determines the sanction for STUDENTS? We only want to know about student sanctioning.

- Title IX coordinator or Title IX office
- Dean of Students or admin of Student Affairs
- Institutional Equity officer or office
- The person who conducted the investigation
- The board that conducted fact finding _____
- Sanctioning Board or a board specific to sanctioning
- Provost
- President or Chancellor
- Other _____

Q7.3 Who is on Sanctioning Board (Select all that apply)

- Students
- Faculty members
- Staff/Administrators

- People outside the university _____

Q7.4 Copy and paste the policy text used to describe the sanctioning process.

Appeals

Q8.1 Is there an appeals process for student sexual misconduct cases? (Select one)

- Yes
- No
- Unclear _____

Q8.2 Who makes the appeals decision in student sexual misconduct cases? (Select all that apply)

- Title IX coordinator or Title IX office
- Institutional Equity officer or office
- Dean of Students or admin of Student Affairs
- Vice President for Student Affairs
- President or Chancellor
- Provost
- The board that conducted the fact finding _____
- Appeals Board or Officer
- Other _____
- Not stated

Q8.3 How many chances to appeal are available to the Respondent?

- No appeals available
- 1
- 2
- 3 or more

Q8.4 Is the appeals process for the finding the same for both parties? (Select one)

- Yes
- Only the respondent can appeal
- Other _____
- No one can appeal

Q8.5 What are the grounds for appeal in student sexual misconduct cases? (Select all that apply)

- Procedural - improper procedure, error, conflict of interest in decision maker
- Evidentiary - new evidence not available before
- Sanction appropriateness - sanction too little or too much
- No grounds

Q8.6 Copy and paste the policy text used to describe the appeals process.

Q9.1 Oversight

Q9.2 Who can overrule decision makers identified above (Select all that apply)

- Title IX Coordinator
- Vice President of Student Affairs
- President or Chancellor
- Board of Regents or Directors
- Governor
- State Higher Education Board
- Other _____
- No one

Q9.3 Copy and paste the policy text used to describe any oversight by chief university leaders.

Q10.1 General Questions

Q10.2 In your read of the policy, what do you think the school's intent is with respect to the balancing of due process rights with victim protections?

- The school is trying to be scrupulously fair, providing equal rights to both parties.
- The school offers more protections to respondents.
- The school offers more protections to complainants.

- The school offers few protections or rights to either party. Students have few opportunities for voice in the process.
- Process, what process? There was no process.

Q10.3 Please explain your response, highlighting any useful policy text or practices the school uses in adjudicating cases of sexual misconduct.

Q10.4 If you were a student at this school, how reassured would you feel about reporting?

- Very reassured and comfortable reporting
- Somewhat reassured
- Neutral
- Somewhat skeptical
- Skeptical or reluctant to report

Q10.5 Please explain your response, highlighting any aspect of the policy language, specific practices, the format/presentation of document(s), and/or other things not captured by the survey.

Q10.11 Is the adjudication process for student-student sexual assault the same as that for other student misconduct violations? (e.g., having candles in your room)

- Yes
- No
- Unclear _____

Table 2.

Full School List. n=381

Unit ID	Institution Name
222178	Abilene Christian University
100654	Alabama A & M University
237118	Alderson Broaddus University
210775	Alvernia University
238193	Alverno College
131159	American University
164465	Amherst College
104151	Arizona State University-Tempe
138789	Armstrong Atlantic State University
156213	Asbury University
164562	Assumption College
100812	Athens State University
173045	Augsburg College
201195	Baldwin Wallace University
150136	Ball State University
189097	Barnard College
160977	Bates College
164632	Bay Path College
223232	Baylor University
175421	Belhaven University
156286	Bellarmino University
180814	Bellevue University
173124	Bemidji State University
173160	Bethel University
110097	Biola University
201371	Bluffton University
164924	Boston College
161004	Bowdoin College
162007	Bowie State University
201441	Bowling Green State University-Main Campus
143358	Bradley University
152992	Briar Cliff University
217156	Brown University
211273	Bryn Mawr College
153001	Buena Vista University

211352	Cabrini College
110529	California State Polytechnic University-Pomona
110486	California State University-Bakersfield
110583	California State University-Long Beach
409698	California State University-Monterey Bay
110495	California State University-Stanislaus
169080	Calvin College
156365	Campbellsville University
180106	Carroll College
219806	Carson-Newman University
238476	Carthage College
201645	Case Western Reserve University
230834	Castleton State College
201690	Central State University
217688	Charleston Southern University
211608	Cheyney University of Pennsylvania
217873	Claflin University
153126	Clarke University
139311	Clayton State University
217882	Clemson University
161086	Colby College
174747	College of Saint Benedict
186618	College of Saint Elizabeth
178697	College of the Ozarks
126678	Colorado College
126775	Colorado School of Mines
177065	Columbia College
190150	Columbia University in the City of New York
139366	Columbus State University
173300	Concordia College at Moorhead
238616	Concordia University-Wisconsin
210331	Corban University
190415	Cornell University
174862	Crown College
190549	CUNY Brooklyn College
190567	CUNY City College
190716	D'Youville College
182670	Dartmouth College
130934	Delaware State University
202523	Denison University

190761	Dominican College of Blauvelt
184348	Drew University
150455	Earlham College
198464	East Carolina University
212115	East Stroudsburg University of Pennsylvania
129215	Eastern Connecticut State University
156620	Eastern Kentucky University
165644	Eastern Nazarene College
212160	Edinboro University of Pennsylvania
155025	Emporia State University
177339	Evangel University
196680	Excelsior College
232089	Ferrum College
133711	Flagler College-St Augustine
133650	Florida Agricultural and Mechanical University
433660	Florida Gulf Coast University
134079	Florida Southern College
218061	Francis Marion University
150604	Franklin College
182795	Franklin Pierce University
131450	Gallaudet University
212601	Gannon University
212656	Geneva College
208822	George Fox University
232186	George Mason University
139861	Georgia College and State University
139764	Georgia Southwestern State University
184773	Georgian Court University
165936	Gordon College
153366	Graceland University-Lamoni
153375	Grand View University
145372	Greenville College
191515	Hamilton College
232256	Hampden-Sydney College
232265	Hampton University
166027	Harvard University
198695	High Point University
203128	Hiram College
131520	Howard University
115755	Humboldt State University

145813	Illinois State University
151351	Indiana University-Bloomington
151388	Indiana University-East
151360	Indiana University-Northwest
153603	Iowa State University
191968	Ithaca College
175856	Jackson State University
146339	Judson University
155399	Kansas State University
203517	Kent State University at Kent
203535	Kenyon College
213303	Keystone College
203580	Lake Erie College
146481	Lake Forest College
218229	Lander University
220598	Lane College
207209	Langston University
239017	Lawrence University
220604	Le Moyne-Owen College
177968	Lindenwood University
209065	Linfield College-McMinnville Campus
219976	Lipscomb University
192448	Long Island University
213613	Lock Haven University
159391	Louisiana State Univ. and Agricultural & Mechanical College
159382	Louisiana State University-Alexandria
159416	Louisiana State University-Shreveport
213668	Lycoming College
232609	Lynchburg College
203775	Malone University
151786	Marian University
239105	Marquette University
170842	Marygrove College
192864	Marymount Manhattan College
178059	Maryville University of Saint Louis
213826	Marywood University
164270	McDaniel College
159717	McNeese State University
193016	Mercy College
213996	Messiah College

204024	Miami University-Oxford
171100	Michigan State University
230959	Middlebury College
157377	Midway College
221014	Milligan College
147244	Millikin University
118888	Mills College
173920	Minnesota State University-Mankato
176080	Mississippi State University
178387	Missouri Western State University
147369	Moody Bible Institute
140553	Morehouse College
166948	Mount Ida College
239390	Mount Mary University
163462	Mount St Mary's University
147536	National Louis University
193584	Nazareth College
214272	Neumann University
185129	New Jersey City University
185828	New Jersey Institute of Technology
187967	New Mexico Institute of Mining and Technology
218414	Newberry College
167260	Nichols College
199102	North Carolina A & T State University
199157	North Carolina Central University
147776	Northeastern Illinois University
147703	Northern Illinois University
157447	Northern Kentucky University
178624	Northwest Missouri State University
142461	Northwest Nazarene University
147767	Northwestern University
163578	Notre Dame of Maryland University
194161	Nyack College
204796	Ohio State University-Main Campus
204909	Ohio Wesleyan University
207403	Oklahoma Baptist University
207388	Oklahoma State University-Main Campus
107512	Ouachita Baptist University
227331	Our Lady of the Lake University
214777	Pennsylvania State University-Main Campus

214591	Pennsylvania State University- Erie-Behrend College
121150	Pepperdine University
183080	Plymouth State University
186131	Princeton University
152248	Purdue University-Calumet Campus
243780	Purdue University-Main Campus
130226	Quinnipiac University
186283	Rider University
148335	Robert Morris University Illinois
186371	Rutgers University-Camden
186380	Rutgers University-New Brunswick
183239	Saint Anselm College
199582	Saint Augustine's University
174783	Saint Cloud State University
174792	Saint Johns University
152390	Saint Mary's College
123554	Saint Mary's College of California
167729	Salem State University
102049	Samford University
122409	San Diego State University
122597	San Francisco State University
123165	Scripps College
236577	Seattle Pacific University
186584	Seton Hall University
205443	Shawnee State University
237792	Shepherd University
140988	Shorter University
172264	Siena Heights University
167783	Simmons College
167835	Smith College
219356	South Dakota State University
221661	Southern Adventist University
149222	Southern Illinois University-Carbondale
149231	Southern Illinois University-Edwardsville
210146	Southern Oregon University
217776	Southern Wesleyan University
179326	Southwest Baptist University
228325	Southwestern Assemblies of God University
155900	Southwestern College
228343	Southwestern University

141060	Spelman College
102234	Spring Hill College
175005	St Catherine University
163912	St Mary's College of Maryland
137476	St Thomas University
196149	SUNY College at Cortland
196167	SUNY College at Geneseo
196194	SUNY College at Oswego
196200	SUNY College at Potsdam
196112	SUNY Institute of Technology at Utica-Rome
152530	Taylor University
216339	Temple University
226152	Texas A & M International University
228705	Texas A & M University-Kingsville
224545	Texas A & M University-Texarkana
228875	Texas Christian University
229063	Texas Southern University
229115	Texas Tech University
229179	Texas Woman's University
193645	The College of New Rochelle
206589	The College of Wooster
235167	The Evergreen State College
186876	The Richard Stockton College of New Jersey
100751	The University of Alabama
180489	The University of Montana
221759	The University of Tennessee-Knoxville
228769	The University of Texas at Arlington
228778	The University of Texas at Austin
228787	The University of Texas at Dallas
138354	The University of West Florida
206048	Tiffin University
157818	Transylvania University
130590	Trinity College
131876	Trinity Washington University
102368	Troy University
168148	Tufts University
160755	Tulane University of Louisiana
221953	Tusculum College
102377	Tuskegee University
196088	University at Buffalo

100663 University of Alabama at Birmingham
102614 University of Alaska Fairbanks
104179 University of Arizona
106397 University of Arkansas
106245 University of Arkansas at Little Rock
161873 University of Baltimore
110635 University of California-Berkeley
110671 University of California-Riverside
110714 University of California-Santa Cruz
106704 University of Central Arkansas
176965 University of Central Missouri
237312 University of Charleston
201885 University of Cincinnati-Main Campus
126614 University of Colorado Boulder
129020 University of Connecticut
130943 University of Delaware
127060 University of Denver
134130 University of Florida
139959 University of Georgia
129525 University of Hartford
141565 University of Hawaii at Hilo
141574 University of Hawaii at Manoa
141981 University of Hawaii-West Oahu
225511 University of Houston
225414 University of Houston-Clear Lake
225432 University of Houston-Downtown
142285 University of Idaho
145637 University of Illinois at Urbana-Champaign
153658 University of Iowa
155317 University of Kansas
157085 University of Kentucky
160658 University of Louisiana at Lafayette
161253 University of Maine
163286 University of Maryland-College Park
163204 University of Maryland-University College
166629 University of Massachusetts-Amherst
170976 University of Michigan-Ann Arbor
171137 University of Michigan-Dearborn
174066 University of Minnesota-Twin Cities
176017 University of Mississippi

178396 University of Missouri-Columbia
178420 University of Missouri-St Louis
101709 University of Montevallo
181394 University of Nebraska at Omaha
181464 University of Nebraska-Lincoln
182290 University of Nevada-Reno
183044 University of New Hampshire-Main Campus
129941 University of New Haven
187985 University of New Mexico-Main Campus
199120 University of North Carolina at Chapel Hill
199281 University of North Carolina at Pembroke
200280 University of North Dakota
136172 University of North Florida
207500 University of Oklahoma-Norman Campus
209551 University of Oregon
215062 University of Pennsylvania
121691 University of Redlands
217484 University of Rhode Island
152336 University of Saint Francis-Fort Wayne
218645 University of South Carolina-Aiken
218663 University of South Carolina-Columbia
176372 University of Southern Mississippi
156541 University of the Cumberland
225627 University of the Incarnate Word
230764 University of Utah
231174 University of Vermont
234076 University of Virginia-Main Campus
236948 University of Washington-Seattle Campus
240277 University of Wisconsin-Green Bay
240444 University of Wisconsin-Madison
240365 University of Wisconsin-Oshkosh
240374 University of Wisconsin-Parkside
240480 University of Wisconsin-Stevens Point
240727 University of Wyoming
206330 Urbana University
216524 Ursinus College
141264 Valdosta State University
234030 Virginia Commonwealth University
233921 Virginia Polytechnic Institute and State University
234173 Virginia Wesleyan College

156082	Washburn University
234207	Washington and Lee University
164216	Washington College
236939	Washington State University
168218	Wellesley College
168227	Wentworth Institute of Technology
130697	Wesleyan University
237899	West Virginia State University
238032	West Virginia University
237969	West Virginia Wesleyan College
200004	Western Carolina University
128391	Western State Colorado University
237011	Western Washington University
179946	Westminster College
125727	Westmont College
149781	Wheaton College
238078	Wheeling Jesuit University
237057	Whitman College
237066	Whitworth University
216852	Widener University-Main Campus
176479	William Carey University
175272	Winona State University
218973	Wofford College
168421	Worcester Polytechnic Institute
160904	Xavier University of Louisiana