Formal Resolution: Resolving Complaints Against a Student

I. Overview

As outlined in the Reporting section of this policy, an individual who wishes to make a report of sexual or gender-based discrimination, sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence is encouraged to make a report directly to the Title IX Coordinator, Deputy Title IX Coordinator, the Dean of Students Office, Public Safety or the Office of Student Conduct. In every instance under this policy, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX Assessment.

At the conclusion of the Title IX Assessment, the report will be referred for Informal Resolution or Investigation to determine if there is sufficient information to proceed with Formal Resolution. Informal Resolution is a remedies-based approach that does not involve disciplinary action against a Respondent. Formal Resolution is a sanctions-based approach that may involve discipline up to and including expulsion.

Throughout the assessment and resolution processes, all parties will be kept informed of the status of the College’s activities.

II. Initial Title IX Assessment

Upon receipt of a report, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX assessment. The first step of the assessment will usually be a preliminary meeting with the Complainant with the Title IX Coordinator or a member of the Title IX team. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full forensic interview. At this meeting, the Complainant will be provided with information about resources, procedural options and interim remedies.

As part of the initial assessment of the report, the Title IX team will:

- Assess the nature and circumstances of the allegation
- Address immediate physical safety and emotional well-being needs
- Notify the Complainant of his/her right to contact law enforcement and seek medical treatment, including the importance of preservation of evidence
- Enter the report into the College’s daily crime log
- Assess the reported conduct for the need for a timely warning under the Clery Act
- Provide the Complainant with information about:
  - On and off campus resources
  - The range of interim accommodations and remedies
  - An explanation of the procedural options, including Informal Resolution and Formal Resolution
- Make available an advisor, advocate, or support person
- Assess for pattern evidence or other similar conduct by Respondent
- Discuss the Complainant’s expressed preference for manner of resolution and any barriers to proceeding
- Explain the College’s policy prohibiting retaliation
This initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, an investigation may continue depending on a variety of factors, such as the Complainant’s wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

At the conclusion of the Title IX assessment, the Title IX team will determine the appropriate manner of resolution and, if appropriate, refer the report for further Investigation or Informal Resolution.

The determination as to how to proceed will be communicated to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the College seeks action that would impact a Respondent, such as protective measures that restrict his/her movement on campus, the initiation of an investigation or the decision to involve the Respondent in Informal Resolution.

III. Informal Resolution

Informal resolution is a remedies-based approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent.

Where the Title IX assessment concludes that informal resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant’s access to the educational and extracurricular activities at the College and to eliminate a hostile environment. Examples of protective remedies are provided in Section IX: Interim Remedies. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the College. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence. The decision to pursue informal resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report. The College will keep the Complainant informed of the progress of Informal Resolution procedures.

IV. Investigation

Following the initial Title IX assessment, the College may initiate a prompt, thorough, and impartial investigation. The Title IX Coordinator, in consultation with the Title IX team, will oversee the
investigation. At the conclusion of the investigation, if warranted, the Student Conduct Officer will facilitate adjudication of the complaint.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved as much as possible.

The College will designate an investigator who has specific training and experience investigating allegations of sexual harassment and sexual misconduct. The investigator may be an employee of the College or an external investigator engaged to assist the College in its fact gathering. The College may use a team of two investigators, which may include the pairing of an external investigator with a College employee. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the determination. The investigator(s) will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The investigator(s) may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent. The Complainant and Respondent will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information.

The investigation will usually be completed within twenty (20) business days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation. The College will keep all parties informed of the progress of the investigation.

At the request of law enforcement, the College may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The College will promptly resume its Title IX fact gathering as soon as law enforcement has completed its initial investigation.

Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for the safety of the individual and the campus community, and impose remedies as necessary to address the effects of the conduct cited in the report.

**Threshold Determination**

At the conclusion of the investigation, the investigator(s) will prepare a written report synthesizing the facts for review by the Title IX Coordinator and the Student Conduct Officer. The investigator(s) are not charged with reaching a determination as to responsibility, which is a function reserved for an adjudicator or Hearing Board.

Upon receipt of the investigative report, the Student Conduct Officer, in consultation with the Title IX team, will review the report and make a threshold determination as to whether there is sufficient information upon which an adjudicator could find a violation of this policy. This threshold
determination does not involve making a determination of responsibility, nor does it involve a credibility assessment. If the threshold has been established, the Student Conduct Officer will issue a Notification Letter to the Respondent and the Complainant and refer the report for Pre-Hearing Procedures.

If the Student Conduct Officer, in consultation with the Title IX team, determines that this threshold has not been reached, the Complainant and Respondent will be notified in writing. The Complainant will have the opportunity to seek review of this determination by submitting a written request for review to the Dean of Students or designee within five school days. The Respondent will be notified of the request for review and have the opportunity to respond. The designated reviewer may agree with the finding, reverse the finding, or request additional investigative follow-up. The designated reviewer will render a decision in writing, to both parties, within 10 school days of receipt of the request for review. The decision of the designated reviewer is final.

V. Formal Resolution

Formal resolution of a complaint under the Sexual Misconduct Policy will occur through the use of a sexual misconduct hearing.

Hearing Board

The hearing board typically consists of a three members drawn from a pool of trained faculty, staff, and students. Faculty members of the hearing board pool are appointed by Faculty Senate. Staff members of the hearing board pool are selected and appointed by the Dean of Students Office. Student members are selected from the Student Conduct Board. At the discretion of the Student Conduct Officer, the College may engage an external adjudicator to serve as a member of the hearing board or in lieu of the hearing board whenever, in the exercise of judgment, doing so will best serve the fair and equitable resolution of the complaint. In making the determination to select an external adjudicator, the Student Conduct Officer will consider, among other factors, the nature of the allegations, the complexity of the case, whether there is any issue of conflict of interest, the availability of trained board members for the hearing, whether the College is in session or on break, or any other relevant factors.

All hearing board members must participate in annual training on non-discrimination; the dynamics of sexual harassment, sexual violence, stalking, and intimate partner violence; the factors relevant to a determination of credibility; the appropriate manner in which to receive and evaluate sensitive information; the manner of deliberation; evaluation of consent and incapacitation; the application of the preponderance of the evidence standard; sanctioning and the College’s policies and procedures. The training will be coordinated by the Title IX Coordinator in conjunction with campus and external partners.

The Hearing Board is supported by the Student Conduct Officer, who is present at hearings but is not a voting member of the board. He or she will meet with the Complainant and Respondent prior to the hearing, be present during the hearing to serve as a resource for the hearing board on issues of policy and procedure, and to ensure that policy and procedure are appropriately followed throughout the hearing.

Advisors and Attorneys
Complainants and respondents have the right to be assisted by an advisor to provide support through the conduct process. Advisors may be any member of the College community, but may not be a witness or other party in the proceeding. Complainants and Respondents who wish to consult with an attorney may do so at their own expense; the attorney may act as the student’s advisor and accompany to the student to any pre-hearing conference or to the conduct hearing. An advisor may be present for any pre-hearing meeting with the student’s written permission. An advisor may attend but not participate in the hearing process; the student conduct officer must be notified no less than 72 hours in advance of the hearing with the name of any advisor. Advisors have no speaking role in the hearing and are not permitted to ask or answer questions or address the hearing board. An advisor may only provide advice to the complainant or respondent in a non-disruptive manner (such as communicating in writing). Any case must be presented by the student. Students should select an advisor whose schedule allows attendance at any scheduled pre-hearing conference and hearing. Delays will not normally be allowed due to the scheduling conflicts of an advisor. All communication regarding the conduct process will be directed to the student. An advisor will not be permitted to communicate on the student’s behalf. Students may contact the Title IX Coordinator for a referral to a trained advisor.

Pre-Hearing Procedures

Notice of Hearing

Following the threshold determination that there is sufficient information to move forward with a hearing, the Student Conduct Officer will send a written Notification Letter to both the Complainant and the Respondent. The Notification Letter will contain the date, time, and location of the hearing as well as the Code of Student Conduct charge alleged to have been violated. The hearing date will be no less than 5 business days nor more than 15 business days after the letter is sent. Maximum time limits for scheduling hearings may be extended at the discretion of the Student Conduct Officer.

Pre-Hearing Meeting with Complainant and Respondent

Following the Notification Letter, the Student Conduct Officer will contact the Complainant and Respondent to schedule a pre-hearing meeting with each party. At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions. If the Complainant and/or Respondent have elected to have an advisor throughout the hearing process, the advisor is encouraged to accompany the Complainant/Respondent to this initial meeting, with the student’s written permission.

Recusal of a Member of the Hearing Board

The Complainant and the Respondent may submit a written request to the Student Conduct Officer that a member of the hearing board be removed. The request must clearly state the grounds to support a claim of bias, conflict of interest or an inability to be fair and impartial. This challenge must be raised within two (2) business days of receipt of the Notice of Hearing. All objections must be raised prior to the commencement of the hearing.

Pre-Hearing Review of Documents
The Complainant and the Respondent will each have the opportunity to review all investigative documents, subject to the privacy limitations imposed by state and federal law, at least three (3) business days prior to the hearing. The investigative documents will include the investigation report, any witness statements or interviews, statements or interviews by both parties, and any other documentary information that will be presented to the hearing board.

**Witnesses**

The Complainant, Respondent, and the hearing board all have the right to call witnesses. Witnesses must have observed the conduct in question or have information relevant to the incident and cannot be called solely to speak about an individual’s character.

In general, neither party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the College’s investigation. If either party wishes to call witnesses, whether or not they were previously interviewed as part of the College’s investigation, the following must be submitted no later than five (5) business days before the hearing to the Student Conduct Officer in writing:

- The names of any witnesses that either party intends to call;
- A written statement and/or description of what each witness observed, if not already provided during investigation;
- A summary of why the witness’ presence is relevant to making a decision about responsibility at the hearing; and,
- The reason why the witness was not interviewed by the investigator, if applicable.

The Student Conduct Officer will determine if the proffered witness(es) has relevant information and if there is sufficient justification for permitting a witness who was not interviewed by the investigator. The Student Conduct Officer may also require the investigator to interview the newly proffered witness.

If witnesses are approved to be present, the Respondent and Complainant are provided with a list of witnesses and any relevant documents related to their appearance at the hearing no later than five (5) business days before the hearing. All parties have the opportunity to ask questions of witnesses (through the board), regardless of who called them to the hearing.

**Relevance**

The Student Conduct Officer will review the investigative report, any witness statements, and any other documentary evidence to determine whether the proffered information contained therein is relevant and material to the determination of responsibility given the nature of the allegation. In general, the Student Conduct Officer may redact information that is irrelevant, more prejudicial than probative, or immaterial. The Student Conduct Officer may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.
Prior Sexual History and/or Pattern Evidence

Prior Sexual History of a Complainant: In general, a Complainant’s prior sexual history is not relevant and will not be admitted as evidence at a hearing. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted.

Pattern Evidence by a Respondent: Where there is evidence of a pattern or conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the panel’s determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the present allegation or information and indicates a pattern of behavior and substantial conformity with that pattern by the respondent. Where there is a prior finding of responsibility for a similar act of sexual assault or harassment, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

The College, through the Student Conduct Officer, may choose to introduce this information, with appropriate notice to the parties. Alternatively, a party may request in writing that information under this section be admitted. A request to admit such information must be submitted to the Student Conduct Officer. The Student Conduct Officer will assess the relevance of this information and determine if it is appropriate for inclusion at the hearing.

To aid in an advance determination of relevance, the following must be submitted no later than five (5) business days before the hearing to the Student Conduct Officer in writing:

- A written statement and/or description of the proposed information, if not already provided during investigation; and
- A summary of why this information is relevant to making a decision of responsibility at the hearing.

If this information is approved as appropriate for presentation at the hearing, the Respondent and Complainant will be provided with a brief description of the approved information no later than three (3) business days before the hearing.

Hearing Board Procedures

Attendance at Hearing

If a party does not attend a hearing for any non-emergency or compelling reason, the hearing may be held in his/her absence at the discretion of the Student Conduct Officer.
A Complainant or Respondent may also request alternative testimony options that would not require physical proximity to the other party. This request must be submitted at least five business days before the hearing. Options include placing a privacy screen in the hearing room, or allowing the Complainant or Respondent to speak outside the physical presence of the other by using relevant technology to facilitate participation. Any proposed alternative must be reviewed in advance of the hearing to ensure that it is consistent with the goals of a fair and equitable process. While these options are intended to help make the alleged Complainant or Respondent more comfortable, they are not intended to work to the disadvantage of the other party.

Participants in Hearing Procedures

The hearing board is a closed hearing; it is not open to the public. The individuals who may appear before the hearing board are: the Complainant; the Respondent; any individual serving as an approved advisor; and any individuals appearing as witnesses. Witnesses are present only for their own testimony.

Safeguarding of Privacy

All parties involved in a hearing are required to keep the information learned in preparation for the hearing and at the hearing private. No copies of documents provided are to be made or shared with any third parties.

Hearing Board Procedures

A hearing is not intended to be adversarial; rather, it is intended to be educational and developmental. The hearing is intended to provide a fair and ample opportunity for each side to present his/her account of the incident and for the hearing board to determine the facts of the case, make a determination as to whether College policy was violated, and to recommend appropriate sanctions, if necessary. The hearing is not comparable to a criminal trial; it is the mechanism by which the College assesses, and as appropriate, takes formal disciplinary action regarding a violation of College policy.

The respondent is presumed not responsible of all charges of the Code of Student Conduct until the contrary is established by a preponderance of the evidence.

A single verbatim record, such as a recording, shall be made of the hearing. The recording shall be the property of the College. No other recordings shall be made by any person during the hearing. Deliberations will not be recorded. Upon request, the complainant or respondent may review the recording in a designated College office in order to prepare for an appeal. Further disclosure of the recording shall be governed by applicable state and federal law. The College will not transcribe recordings. Recordings of hearings which result in suspension, expulsion, or housing contract revocation shall be kept indefinitely. All other recordings will be destroyed following the end of the appeal period.

A member of the board will be designated as the board chair. A hearing will be called to order by the board chair. The Student Conduct Officer serves as a (non-voting) advisor to the hearing board. The chair will introduce the members of the hearing board and request the names of all persons present. The chair will instruct all witnesses that they will be sequestered and will only be present for their
own testimony and questioning. The chair will instruct witnesses not to discuss their testimony with anyone during the hearing process and any appeals.

The chair will read the charge(s) and will ask the respondent to indicate responsible or not responsible for violations of the Code of Student Conduct as charged.

The investigator will provide a brief opening statement summarizing the investigation. The opening statement should focus on the areas of agreement and disagreement in order to assist the hearing board in prioritizing areas of inquiry. The hearing board, Complainant, or Respondent may make brief inquiries of the investigator at this juncture, as there will be additional opportunity to ask questions of the investigator after the hearing board has heard from the Complainant, the Respondent, and any witnesses.

The Complainant may supplement the information provided to the board with a brief statement. This is not intended to be a retelling of the event. The hearing board may pose questions to the Complainant, including questions suggested by the Respondent.

After the Complainant is finished, the Respondent will be given an opportunity to supplement the information provided to the board with a brief statement. The hearing board may pose questions to the Respondent, including questions suggested by the Complainant.

The board may hear from witnesses on behalf of the Complainant and the Respondent. The board will determine the order of the witnesses. Each witness will be questioned by the hearing board, and, as appropriate, the Complainant and the Respondent. Under some circumstances, the Complainant or Respondent may be asked to present a list of written questions to the board, who will determine the relevance of the questions and pose any questions deemed relevant.

The hearing board, Complainant, and Respondent may then question the Investigator. The investigator is not permitted to offer an opinion on the credibility of any individual or as to the ultimate issue.

At the conclusion of the presentation of all witnesses, the Complainant and Respondent will each be given a brief final opportunity to address any outstanding issues of fact.

**Questioning of Witnesses**

It is the responsibility of the hearing board to assure that the information necessary to make an informed decision is presented. The board members may play an active role in questioning both parties and witnesses involved in the case. At times, the board members may need to ask difficult or sensitive questions in order to understand areas of factual dispute or gain a full understanding of the context.

At no time will the complainant or the respondent be permitted to directly question one another. As outlined above, the parties may submit questions to the hearing board in writing, which may be posed at the discretion of the hearing board. Similarly, the board members are under no obligation to allow either party to directly question witnesses, and the board may require that questions to witnesses be submitted in writing.
Both parties are encouraged to prepare a written list of questions in advance. The parties may also submit questions in writing to the chair throughout the course of the hearing. The chair, in consultation with the board, will determine the appropriateness and relevance of the questions.

Parties and other individuals who offer information at a hearing are expected to respond honestly, and to the best of their knowledge. The hearing board reserves the right to recall any party or witness for further questions and to seek additional information necessary to make a decision.

**Deliberation**

After all of the information has been presented, all parties will be dismissed and the hearing will be formally concluded.

The board members will conduct their deliberations in private. The board must complete their deliberations within two (2) business days, but every attempt will be made to complete the deliberations promptly. The Student Conduct Officer may remain for deliberations, but may not participate in the deliberations and may not vote.

The hearing board will determine a Respondent’s responsibility by a preponderance of the evidence. This means that the hearing board will decide whether it is “more likely than not,” based upon all of the relevant information, that the Respondent is responsible for the alleged violation(s). The hearing board must reach a decision on responsibility by majority vote. Only the decision on responsibility will be shared with the Complainant and the Respondent.

If the board finds the Respondent responsible, the board will then determine appropriate sanctions.

The findings of the hearing board will be reduced to writing. The findings will detail the findings of fact and the basis/rationale for the decision of the hearing board, making reference to the evidence that led to the finding.

**Sanctions**

A hearing board that finds a Respondent responsible for a violation of this policy will determine appropriate sanctions that may include those set forth below. Sanctions may be issued individually, or a combination of sanctions may be imposed. The Complainant and Respondent will each have the opportunity to submit a written statement about impact and/or requested sanctions to the Student Conduct Officer prior to the hearing. The hearing board will review these statements only if the Respondent has been found responsible for one or more violation(s).

In general:

- Any student who is determined to have committed non-consensual sexual intercourse may receive a sanction ranging from suspension to expulsion.

- Any student who is determined to have committed non-consensual sexual contact or any other prohibited form of conduct may receive a sanction ranging from conduct warning to expulsion.
The hearing board may deviate from the range of recommended sanctions, based upon a full consideration of the following factors: (1) the Respondent’s prior discipline history; (2) how the College has sanctioned similar incidents in the past; (3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the Complainant; (5) the impact of the conduct on the community, its members, or its property; (6) whether the Respondent has accepted responsibility for his/her actions; (7) whether the Respondent is reasonably likely to engage in the conduct in the future; (8) the need to deter similar conduct by others; and (9) any other mitigating or aggravating circumstances, including the College’s values.

The hearing board or Student Conduct Officer may also consider restorative justice outcomes that, taking into account the safety of the community as a whole, allows a Respondent to learn about the origins of his/her behavior, his/her responsibility for this behavior, and how s/he can change this behavior.

Sanctions that may be imposed under this policy include:

**Warning:** Written or verbal notice that the student has been found in violation of a specific regulation, and that repetition or continuation of this violation may result in further disciplinary action.

**Restriction:** Withdrawal or restriction of certain privileges for a specified period of time.

**Work Sanctions:** The assignment of tasks or work appropriate to the violation, which will benefit all or part of the College community.

**Educational Sanctions:** Assignments imposed in an attempt to serve an additional educational purpose. These “educational projects” may include any of the following (this list is not exhaustive): educational newsletter, interview with a professional in the community, creating a bulletin board, planning and implementing a program, or writing a paper on a related topic.

**Mandated Assessments:** Mandated assessments are performed at the Counseling and Health Center by trained clinicians. Student Conduct is the referring office for mandated assessments. A referral may be made for a student who has demonstrated a significant history of concerning behavior that may indicate a disposition toward alcohol or drug abuse or addiction, or inappropriate behavior. The referred student will attend two or three mandated assessment sessions with a clinician. Counseling Services does not provide mandated counseling. The above sessions are for assessment purposes only and do not constitute therapeutic intervention.

**Disciplinary Probation:** An official and final warning directing the student to exhibit good conduct during a specified probation period. Further violations will require that the student automatically return to the conduct system and, if found in violation once more, face a more
severe sanction. Disciplinary probation may impact a student’s ability to hold certain campus leadership positions.

**Housing Contract Revocation:** Temporary or indefinite separation from living in on-campus housing. Housing contract revocation may also involve restriction from all housing facilities.

**Disciplinary Suspension:** A temporary separation from the College with the right to apply for re-admission to the dean of students. The terms of the suspension may be set or indefinite, and special conditions upon re-admission may be designated. He or she loses all privileges of a regularly enrolled student and is required to leave campus. No room refunds apply in such cases. However, students are eligible for board refunds according to the College’s established policy. Students placed on conduct suspension will receive a W for “withdraw” on their academic transcripts. Any suspended student who returns to the campus during the suspension period is subject to expulsion unless he or she has prior written approval from the associate dean of students or the dean of students.

**Expulsion:** A permanent termination of a student’s status at the College for disciplinary reasons. No room refunds apply in such cases. However, students are eligible for board refunds according to the College’s established refund policy. When a student is expelled from the College, the parents are notified. Expelled students are not allowed on campus. Any expelled student may submit a written request for access to the campus to the dean of students no earlier than June 1st, three years after their date of expulsion.

More than one of the sanctions listed above may be imposed for any single violation.

**Outcome Letter**

The outcome of the hearing board will be final and communicated to the Complainant and Respondent in writing, usually within four (4) business days from the date the hearing is concluded. The notification of each party should occur at or near the same time.

Both parties have the right to be informed of the outcome, the appeals procedures, any change to the outcome that occurs prior to final resolution, and when the outcome becomes final. In addition, the Respondent will be fully informed of any sanctions. For reports involving sexual violence, the Complainant will be fully informed of any sanctions. For all other reports under this policy, the Complainant will be informed of only those sanctions that directly relate to the Complainant, consistent with FERPA and other applicable law.

**Appeals**

Either party may appeal the final outcome in writing to the Dean of Students or designee (the “Appeals Officer”). The appeal will be conducted in an impartial manner by an impartial decision-maker. The appeal must be filed in writing within seven calendar days of receiving the written
outcome. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal.

The Complainant and/or Respondent may appeal only the parts of final outcome directly relating to him/her. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The only grounds for appeal are:

- To determine whether the original hearing was conducted in conformity with the prescribed procedures of this policy. Minor deviations from designated procedures will not form the basis for sustaining an appeal unless it is determined that such deviation resulted in significant prejudice.
- To present new evidence which could not reasonably be made available at the time of the original hearing.
- To determine whether the sanction imposed was appropriate to the violation with which the respondent student or student organization was found responsible by the hearing board.

The receipt of the appeal will be acknowledged in writing (which can include email). If either party submits an appeal, the other party will be notified and given three business days to respond to the appeal. The appeals documents from each party will be considered together in one appeal review process. Both parties will have the opportunity to schedule a meeting to discuss their written appeal. Such meetings will be limited to no more than forty-five minutes.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The Appeals Officer shall first consider whether the appeal is timely filed and if so, whether the appeal is properly framed based on one or more of the three grounds. If the Appeals Officer determines that the appeal is not properly framed, the appeal will be denied.

If the appeal is based on procedural or substantive error, the Appeals Officer may return the complaint to the original hearing board with instructions to reconvene to cure the error, or in rare cases where the error cannot be cured, the Appeals Officer can ask that a new hearing occur before a newly constituted hearing board. In the case of new and relevant information, the Appeals Officer can recommend that the case be returned to the original hearing board to assess the weight and effect of the new information and render a determination after considering the new facts. The reconsideration of the hearing board is final.

Appeals are not intended to be full rehearing of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. This is not an opportunity for the Appeals Officer to substitute his/her judgment for that of the original hearing body merely because s/he disagrees with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error. The Appeals Officer can affirm or alter the original findings, depending on the basis of the requested appeal.

Sanctions will typically be stayed pending the outcome of any appeal process. If a Respondent is suspended on an interim basis prior the hearing and is suspended or expelled as a result of the hearing, the interim suspension will continue pending the outcome of any appeal.
The Appeals Officer will render a written decision on the appeal to the Complainant and Respondent within fifteen (15) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

**Integrity of Proceedings**

These procedures are entirely administrative in nature and are not considered legal proceedings. Neither party may audio or video record the proceedings, nor is formal legal representation allowed.

At the Student Conduct Officer’s discretion, anyone disrupting the hearing may be removed.

**Records**

The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Title IX assessment, informal resolution, or formal resolution. Complaints resolved by means of Title IX assessment or informal resolution are not part of a student’s conduct file or academic record or of an employee’s personnel record.

Affirmative findings of responsibility in matters resolved through formal resolution are part of a student’s conduct record and an employee’s personnel record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student’s conduct record or an employee’s personnel record.

Student conduct records will be retained in the Dean of Students Office seven years from when the student graduates or leaves the College due to death, withdrawal, or academic dismissal. Student conduct records of cases resulting in suspension, expulsion, or organizational deactivation may be retained for longer periods of time or indefinitely at the discretion of the Dean of Students. Further questions about record retention should be directed to the Dean of Students Office.