

Harassment Appeal Hearing Procedures
Revised June 2015

The following procedures will be used in Harassment Appeal Hearings

1. The Harassment Appeals Panel Chairperson reads the appeal.
2. The appellant presents his/her appeal.
3. If the grounds for appeal are “new evidence” the Harassment Hearing Panel, through one or more of its members, through written or oral statements, may offer testimony about the evidence that was presented to the Panel during the original hearing and the basis of the Panel’s decision, in that case.

If the grounds for appeal are the “sanction” the Harassment Hearing Panel, through one or more of its members, through written or oral statements, may offer testimony about the evidence that was presented to the Panel during the original hearing and the basis of the Panel’s decision, in that case.

If the grounds for appeal are “procedural error,” the party that is alleged to have committed the error(s) (e.g., members of the Harassment Hearing Panel, Coordinator of Student Conduct, Public Safety Officials), through written or oral statements, may offer testimony about the alleged procedural error(s).

4. Questions may be asked of all parties by Harassment Appeals Panel members. When recognized by the Harassment Appeals Panel Chairperson, the appellant, appellee, witnesses, Harassment Hearing Panel members, the Coordinator of Student Conduct or designee and/or others whose decisions might be at issue in the appeal may raise questions about or comment on the evidence and relevant rules. If the appellant or appellee wish to ask another party a question(s) the question(s) must be submitted to the Harassment Appeals Panel, which will screen the question(s) for appropriateness and, if appropriate, pose the question(s) to the relevant party. This phase of the hearing is designed to be a conversation, controlled by the Harassment Appeals Panel, between the eligible participants to allow rebuttals, and to reveal all relevant facts and points of view.
5. Closing statement by the side of the appellant.
6. Closing statement by the side of the appellee.
7. The Harassment Appeals Panel Chairperson dismisses all participants. The Harassment Appeals Panel Chairperson will notify the appellant and appellee that they will be informed of the outcome by the Coordinator of Student Conduct as soon as possible after the panel reaches its decision. The Coordinator of Student Conduct or designee may wait outside the hearing room to learn the Panel’s decision immediately after it is made.
8. The Harassment Appeals Panel recesses to determine the outcome. Based on the preponderance of evidence standard, and by majority vote, the Panel decides whether to affirm or reverse the decision(s) that is being appealed.
 - When considering (a) claims of procedural error, if the Harassment Appeals Panel determines that a procedural error occurred, it must decide whether the error was

- sufficiently severe such that the finding of the Harassment Hearing Panel should be reversed or whether the error was harmless to the appellant's original case;
- when considering (b) claims about the appropriateness of the sanction, the Panel has the authority to modify a sanction that was imposed by the original Harassment Hearing Panel; and
 - when considering (c) claims of new evidence, the Panel may reverse the decision of the Harassment Hearing Panel if it determines that new evidence, when added to the existing record, establishes a preponderance of evidence that the decision by the Harassment Hearing Panel should be reversed.
9. The Harassment Appeals Panel Chairperson or designee, contacts the Coordinator of Student Conduct following the Panel's deliberation. It also prepares a written statement containing the Panel's decision and rationale for it. Specifically, it includes:
 - a. The facts found to be true
 - b. The section(s) of the Harassment Policy and/or Code of Conduct found to be violated (if any)
 - c. The rationale for its decision
 - d. The sanction(s) to be imposed (if relevant)
 10. The statement is forwarded to the Office of Student Conduct, which informs the appellant and appellee simultaneously in writing.
 11. The decisions of the Harassment Appeals Panel are final.