

Sexual Misconduct Hearing Procedures
Revised June, 2015

The following procedures will be used in formal Sexual Misconduct Hearings.

1. Reading of Procedural Rights by the Sexual Misconduct Hearing Panel Chairperson.
2. Reading of the charge(s) by the Sexual Misconduct Hearing Panel Chairperson.
3. Entering of the plea of the respondent (responsible or not responsible).
4. The Sexual Misconduct Hearing Panel will review the written evidence and solicit verbal testimony that is adverse to the respondent from witnesses, the complainant, respondent and/or the Coordinator of Student Conduct or designee.
5. The Sexual Misconduct Hearing Panel will review the written evidence and solicit verbal testimony that supports the respondent from witnesses, the respondent, complainant and/or the Coordinator of Student Conduct or designee.
6. Questions may be directed to the witnesses, complainant and respondent by members of the Sexual Misconduct Hearing Panel. When recognized by the Sexual Misconduct Hearing Panel Chairperson, the respondent, complainant, witnesses and/or the Coordinator of Student Conduct or designee may raise questions and comment on the evidence and relevant rules. If the complainant or respondent wish to ask another party a question(s), the question(s) must be submitted to the Sexual Misconduct Hearing 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 Sexual Misconduct Hearing Panel, between the participants to allow rebuttals, and to reveal all relevant facts and points of view.
7. Closing statements are presented by the side of the complainant.
8. Closing statements are presented by the side of the respondent.
9. The Sexual Misconduct Hearing Panel Chairperson dismisses all participants. The Panel will notify the complainant and respondent 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 or designee may wait outside the hearing room to learn the Panel's decision immediately after it is made.
10. The Sexual Misconduct Hearing Panel recesses to determine whether the respondent is responsible for violating the University rule(s) with which he/she/it is charged. The Panel proceeds by, first, determining the facts that are true, and then what, if any, sections of the Code of Conduct have been violated, based on the preponderance of evidence standard. If the Sexual Misconduct Hearing Panel determines that the respondent is responsible for a rule violation(s), it will recommend a sanction to the Coordinator of Student Conduct. Guidelines for recommending sanctions are provided in "Code of Conduct: Student Conduct System: Sanctions, Section IX". In recommending a sanction, the Panel may also consider facts that were revealed during the hearing, including the attitude of the parties involved.
11. The Sexual Misconduct Hearing 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 Sexual Misconduct 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)

If a student is found responsible for violating the Sexual Misconduct Policy and he or she appeals, the Coordinator of Student Conduct, in consultation with the Dean of Students, may impose sanctions on an interim basis prior to completion of the appellate process if it is determined that the student presents a danger to the community or other individuals. Otherwise, sanctions will not be imposed until the appellate process is complete.