

Procedural Rights for Students in Sexual Misconduct Cases
Revised June 2015

The following procedural rights are established for students who are accused of Sexual Misconduct and those who accuse them:

- A. Students who are alleged to have violated the Student Sexual Misconduct Policy have the right to a hearing.
- B. The respondent and complainant have the right to be informed in writing of the charge(s), the complainant(s), the date(s) of the alleged violation(s), the section(s) of the Code of Conduct that is alleged to have been violated, the range of sanctions that may be imposed, the date, time, place of the conduct hearing, and the right of appeal.
- C. The respondent and complainant have the right to review any written documents relevant to their case prior to a hearing.
- D. The respondent and complainant have the right to meet with the Coordinator of Student Conduct at a specified time and place for an informational pre-hearing meeting about the Sexual Misconduct Policy and the Student Conduct System.
- E. The respondent and complainant have the right to challenge any Sexual Misconduct Hearing Panel Member or Sexual Misconduct Appeals Panel Member that he/she feels is unable to objectively hear the case. Any challenge must be presented in writing to the Office of Student Conduct at least three (3) University days prior to the hearing.
- F. The respondent has the right to be presumed not responsible until proven responsible for violating University policies.
- G. The respondent has the right to a decision based on the preponderance of the evidence. More precisely, there must be a preponderance of evidence to find a respondent responsible. When there is no preponderance of evidence or if the preponderance of evidence supports the respondent, the respondent is not responsible for the violation.
- H. The respondent and complainant have the right to testify and to present evidence and witnesses. A list of witnesses must be presented in writing to the Office of Student Conduct at least three (3) University days prior to the hearing.
- I. At each stage of the conduct process, including pre-hearing meetings, hearings for formal and informal resolution, and any appeals that might be filed, the respondent and complainant have the right to be accompanied by an Advisor.
 - In cases involving sexual assault, dating violence, domestic violence, and stalking, complainants and respondents have the right to be accompanied by a Title IX Advisor, who is an advisor of their choice.
 - In sexual misconduct cases that involve sexual exploitation, complainants and respondents have the right to a University Advisor. University Advisors must be members of the University community, excluding Trustees of OWU, Sexual Misconduct Panel Pool members, or a parent/guardian of anyone involved in the case. Persons who serve as University Advisors may not be licensed attorneys or have received training to be attorneys.
 - See III.D. 4 and 5 in the Code of Student Conduct section of the Student Handbook for a more detailed discussion of Title IX and University Advisors.

- J. The respondent and complainant have the right not to appear at a scheduled hearing. The hearing will proceed as scheduled if either or both exercises the right. If the respondent does not appear at the hearing it will not be presumed that he/she violated the rule(s) for which he/she is accused. If the complainant does not appear it will not be presumed that the alleged violation did not occur.
- K. The respondent and complainant have the right to refuse to answer questions.
- L. The respondent and complainant have the right to appeal an unfavorable decision.
- M. The respondent and complainant have the right to request that the Coordinator of Student Conduct reschedule a hearing. Requests must be made in writing at least 48 hours before the scheduled hearing. The Coordinator will determine whether to grant the request.
- N. If a case involves allegations of racial or sexual discrimination, the University Council on Equity and Diversity may submit written statements or documents to the Coordinator of Student Conduct prior to the hearing for consideration in the case.
- O. Proceedings in cases of alleged sexual misconduct will be conducted by officials who receive annual training in issues related to sexual misconduct, procedures, and decision-making. The University is committed to providing a prompt and fair investigation and resolution of cases of sexual misconduct that protect the rights of the respondent and complainant, and the interests of the University community.