

APPENDIX D

Student Conduct Protocol for Allegations of Sexual Misconduct, Including Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Dating Violence, and Domestic Violence

In cases that include an accusation of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence, against any student (including any student enrolled in the Carle Illinois College of Medicine, the College of Law, or the College of Veterinary Medicine), the following provisions shall also apply. In the event of a conflict between this Appendix and Article II, this Appendix shall prevail.

Section 1: Definitions

- (a) **Advisor.** A person who provides a respondent or a complainant support, guidance, or advice. Respondents and complainants may be accompanied by an advisor of their choosing to any meeting with an investigator or to any proceeding to which the advisee is invited, provided that this advisor is not also a witness in the investigation.
- (b) **Complainant.** A person who claims to have been or is reported to have been a victim of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence.
- (c) **Counterclaim.** A report, made by a respondent at any time after they have been notified by OSCR staff of the allegations against them, that the complainant has also engaged in sexual misconduct.
- (d) **Business Day.** Any weekday when university offices are open for official business.
- (e) **Evidence.** Any information, including testimony, collected during an investigation that is relevant to the determination of whether the respondent has violated the Student Code. Neither information that solely addresses the character of any person nor information about any complainant's prior sexual conduct with anyone other than the respondent is evidence.
- (f) **Evidence Packet.** A compilation of the evidence in a case created at the conclusion of the investigation.
- (g) **Executive Director (or Director).** The Director of the Office for Student Conflict Resolution or their designee.
- (h) **Investigative Report.** A document created by the investigator that fairly summarizes the investigation and the evidence.
- (i) **Investigator.** A person responsible for investigating allegations of sexual misconduct on behalf of the university. All investigators are trained on issues related to sexual misconduct and on conducting a trauma-informed investigation, and they receive annual training on such topics.
- (j) **OSCR.** The Office for Student Conflict Resolution.
- (k) **Panel.** A group of three members of the Subcommittee on Sexual Misconduct appointed by the Executive Director to adjudicate a case involving sexual misconduct. A Panel includes at least one student member.
- (l) **Panel Chair.** The faculty or staff member designated by the Panel members to run the hearing.
- (m) **Respondent.** A student who is alleged to have violated the Student Code by engaging in sexual misconduct.
- (n) **Sanction, Educational.** An assignment, requirement, or task educationally related to a policy violation.

- (o) Sanction, Formal. A disciplinary status imposed by the university in response to a policy violation.
- (p) SCSD. The Senate Committee on Student Discipline.
- (q) Sexual Misconduct. Sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and/or domestic violence.
- (r) Subcommittee on Sexual Misconduct. The group of faculty, staff, and students trained to adjudicate cases that include allegations of sexual misconduct. This group is selected through an application process overseen by OSCR and approved by the SCSD.
- (s) Witness. A person who may have relevant information regarding the facts of the case.

Section 2: Complainant Rights

- (a) Advisor. Any participating complainant is allowed to bring an advisor with them to any meeting with the investigator or any disciplinary proceeding to which they are invited, provided that this advisor is not also a witness in the investigation. This individual may communicate quietly with the complainant during such proceedings but may not speak for the complainant or otherwise directly participate. An advisor who fails to follow these instructions or behaves disruptively will be asked to leave. Upon request, OSCR staff will connect a complainant to a trained confidential advisor (see <https://wecare.illinois.edu/policies/terms/#advisor>).
- (b) Disability Accommodations. A qualifying complainant has the right to reasonable accommodations during any disciplinary process or proceeding in accordance with §1-110 of the Student Code.
- (c) Evidence Review. The complainant will have the opportunity to review all evidence that will be used in reaching a final determination regarding responsibility.
- (d) Interpreter. Any participating complainant may also bring an interpreter with them to any meeting with the investigator or any disciplinary proceeding to which they are invited, provided that this individual is not also a witness in the investigation. An interpreter who behaves disruptively will be asked to leave.
- (e) Notice. Any participating complainant will receive written notification of any meetings or proceedings they are expected to attend. Notice is deemed given immediately when hand delivered or sent to the recipient's email address, or on the following business day when mailed.
- (f) Objectivity. All disciplinary decisions will be based on an objective evaluation of evidence. No disciplinary decisions, including credibility determinations, will be based on a person's status as a complainant, respondent, or witness or on a person's membership in a protected class as listed in the university's Nondiscrimination Policy.
- (g) Participation. Any participating complainant will have an opportunity to identify and present witnesses, to provide relevant information regarding the allegations, and to participate in an administrative hearing (if applicable). In addition, any participating complainant may refuse to provide a requested statement or to answer a question posed to them.
- (h) Timely Decision. Any complainant will receive a timely written decision following any administrative hearing or appellate review.

Section 3: Respondent Rights

- (a) **Advisor.** The respondent is allowed to bring an advisor with them to any meeting with the investigator or any disciplinary proceeding to which they are invited, provided that this advisor is not also a witness in the investigation. This individual may communicate quietly with the respondent during such proceedings but may not speak for the respondent or otherwise directly participate. An advisor who fails to follow these instructions or behaves disruptively will be asked to leave. Upon request and subject to availability, OSCR staff will identify a trained volunteer advisor for the respondent.
- (b) **Disability Accommodations.** A qualifying respondent has the right to reasonable accommodations during any disciplinary process or proceeding in accordance with §1-110 of the Student Code.
- (c) **Evidence Review.** The respondent will have the opportunity to review all evidence that will be used in reaching a final determination regarding responsibility.
- (d) **Interpreter.** The respondent may also bring an interpreter with them to any meeting with the investigator or any disciplinary proceeding to which they are invited, provided that this individual is not also a witness in the investigation. An interpreter who behaves disruptively will be asked to leave.
- (e) **Notice.** The respondent will receive written notification of the allegations against them and of any meetings or proceedings they are expected to attend. Notice is deemed given immediately when hand delivered or sent to the recipient's email address, or on the following business day when mailed.
- (f) **Objectivity.** All disciplinary decisions will be based on an objective evaluation of evidence. No disciplinary decisions, including credibility determinations, will be based on a person's status as a complainant, respondent, or witness or on a person's membership in a protected class as listed in the university's Nondiscrimination Policy.
- (g) **Participation.** The respondent will have an opportunity to identify and present witnesses, to provide relevant information regarding the allegations, and to participate in an administrative hearing (if applicable). In addition, the respondent may refuse to provide a requested statement or to answer a question posed to them.
- (h) **Timely Decision.** The respondent will receive a timely written decision following any administrative hearing or appellate review.

Section 4: Investigation

- (a) **Intake and Review.**
 - (1) OSCR will oversee investigations of allegations against students. Once notified of allegations covered by this appendix, the Executive Director will assign an investigator to conduct the investigation.
 - (2) The assigned investigator will first interview any participating complainants to determine the precise nature of the allegations. All participating complainants have the opportunity to request that the investigation begin promptly and proceed in a timely manner.
 - (3) The investigator will then determine whether the allegations, if substantiated, would violate the Student Code. If not, the investigator will notify the complainant of their conclusion in a timely manner and conclude the investigation. If so, the investigation will continue.
- (b) **Allegation Notice.** The investigator will issue a written allegation notice (to their university email address, if applicable) that informs the respondent and any participating complainants of the following:

- (1) A detailed description, including the date (if known) and location (if known), of the alleged incident(s);
 - (2) The identity (if known) of any complainants involved in the incident(s);
 - (3) The section(s) of the Student Code that the respondent has been accused of violating;
 - (4) A link to these procedures or an attached copy of these procedures;
 - (5) An instruction for the respondent to call within five business days to schedule a meeting with the investigator. This meeting should occur within ten business days of the allegation notice, unless a conflict between the investigator's availability and the respondent's academic schedule require the meeting to be delayed further.
 - (6) A statement that the university prohibits retaliation, knowingly making false statements to university officials, and knowingly submitting false information to university officials.
- (c) Respondent Interview. The investigator will attempt to interview the respondent in a timely manner (as described above). If the respondent fails to respond to the allegation notice or refuses to meet with the investigator, the investigation will continue, and OSCR may apply a registration hold.
- (d) Evidence Collection and Witness Interviews. The respondent and the complainant will be given the opportunity to provide supporting information and documentation and to identify witnesses. The investigator will review all submitted materials and will attempt to interview all witnesses. The investigator may also seek additional information, documentation, and witnesses from other sources.
- (e) Follow-up Interviews. The investigator may request additional meetings with the respondent and the complainant to discuss any information gathered during the investigation.
- (f) Updates. As deemed appropriate by the Executive Director or their designee, OSCR will provide both the respondent and the complainant with periodic status updates during the investigation, the review process, and the appeal process.
- (g) Ongoing Notice. If, in the course of an investigation, the investigator decides to investigate allegations not included in the original allegation notice, they will issue a new allegation notice in accordance with §4(b) above.
- (h) Investigation Timeline. The anticipated duration of an investigation is approximately 40 business days following the allegation notice, but the actual duration of each investigation may vary depending on the complexity of the investigation, the severity and extent of the allegations, the number of witnesses, the need for language assistance or accommodation of disabilities, and the possibility of interruption by break periods. If the duration of an investigation will substantially exceed this estimate, the investigator will notify both the respondent and the complainant of the delay and the reason for the delay.
- (i) Cooperation with Law Enforcement. If the incident under investigation has also been reported to the police, the investigator will contact the police for any information they are willing to share and may interview officers, detectives, etc. as part of the OSCR investigation. At the request of law enforcement and so as not to interfere with active police investigations, the investigator may delay interviewing specific individuals for short periods of time at the discretion of the Executive Director. However, the OSCR and police investigations are separate processes. As such, they follow different procedures, rules, and regulations, and the outcome of one does not determine the outcome in the other.
- (j) Counterclaims. The university permits the respondent to make a formal counterclaim against a complainant. Counterclaims by the respondent may be made in good faith, but are, on occasion,

also made for purposes of retaliation, and the university is committed to preventing the process described in this appendix from being abused for retaliatory purposes. After receipt of a counterclaim, the investigator will consult with the Title IX Coordinator to assess whether the allegations have been made in good faith. If the investigator and the Title IX Coordinator are unable to reach a determination based on the available information, the investigator may gather additional evidence and consult again with the Title IX Coordinator on this question. If the investigator and the Title IX Coordinator determine that the counterclaim was not made in good faith, then any investigation into the counterclaim will cease and the counterclaim itself will be evaluated as a possible violation of the university's retaliation policy. If the investigator and the Title IX Coordinator determine that the counterclaim was made in good faith, the allegations will be resolved in accordance with the procedures described in this appendix. In some cases, the investigator may investigate the counterclaim and the original complaint together; in other cases, the investigation of the counterclaim may be delayed until after the resolution of the original complaint. How and when the counterclaim is investigated is at the sole discretion of the Executive Director.

Section 5: Review of Evidence

- (a) Review of Evidence by the Complainant and Respondent. At the conclusion of the investigation, the investigator will compile all evidence into a packet and notify both the respondent and the complainant that they will have ten business days in which to review the evidence packet in the Office for Student Conflict Resolution during normal business hours and to submit a written response.
- (b) Evaluation of Evidence by OSCR. The investigator will thoroughly evaluate the evidence collected, including any written responses submitted by the parties. If, in their opinion and the opinion of the Executive Director, no reasonable panel of decision-makers could, on the basis of this evidence, find the respondent in violation of any of the Student Code section(s) identified in the allegation notice, OSCR will notify both the respondent and the complainant that the process has concluded, that no disciplinary action will be taken against the respondent at that time, and that the matter may be reopened if new substantial evidence is brought to the attention of OSCR from any source. In such a situation, the complainant may request that the Title IX Coordinator (titleixcoordinator@illinois.edu) review OSCR's decision to conclude the investigation. If the Title IX Coordinator disagrees with OSCR's evaluation of the evidence, they may instruct OSCR staff to reopen the investigation. This decision lies in the sole discretion of the Title IX Coordinator, and the request is usually only granted in extraordinary circumstances. Other appeal options do not apply.

Section 6: Investigative Report

- (a) Investigative Report. Assuming the evaluation described in §5(b) does not result in the closure of this case, the investigator will create an investigative report that fairly summarizes the investigation and the evidence.
- (b) Investigative Report Review. The investigator will provide an electronic copy of the investigative report to both the respondent and the complainant and notify them that they may submit a written response to the report no later than five business days after the report has been sent.

Section 7: Formal Hearing

- (a) **Appointment of Panel.** The Executive Director or their designee will appoint a Panel composed of three members of the Subcommittee on Sexual Misconduct, a pool of trained university faculty, students, and staff. Before the membership of this Panel is finalized, OSCR will provide both the respondent and the complainant with a list of all members of the Subcommittee on Sexual Misconduct. At this point, the respondent and complainant may challenge the objectivity of any person on this list. Such a challenge must be based on a conflict of interest (e.g., a prior relationship that may result in bias). The Executive Director or their designee will consider these challenges when making a final decision regarding Panel membership. At least one student must be appointed to the Panel, and the Executive Director will make every effort to appoint at least one faculty member to the Panel provided that doing so will not substantially delay the adjudication process. If the respondent is a graduate student, the Panel will include a representative of the Graduate College as a non-voting member. Once appointed, voting Panel members will select a faculty or staff member to serve as Panel Chair. Prior to serving on a Panel, all Panel members will have received appropriate annual training, developed in consultation with the university's Title IX Coordinator, on sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, domestic violence, and the physiological and psychological effects of trauma.
- (b) **Panel Review of Materials.** OSCR staff will provide the members of the panel with electronic access to the Investigative Report, Evidence Packet, and any written responses from the parties and give them sufficient time to review them thoroughly.
- (c) **Scheduling of the Hearing.** OSCR staff will schedule an administrative hearing before the Panel to take place at least eight business days after the Investigative Report was sent to the parties.
- (d) **Notice of the Hearing.** OSCR staff will notify both the respondent and the complainant by email of the date, time, and location of the hearing at least seven business days in advance.
- (e) **Hearing Rules**
- (1) The hearing will be closed to the public.
 - (2) The Panel Chair may exclude from the hearing any person who disrupts the orderly process of the hearing. This will not be considered cause to reschedule the hearing or continue the hearing on a later date.
 - (3) The hearing will proceed even if the respondent, the complainant, any advisor, or any witness fails to appear, provided the parties have been notified in accordance with §7(d).
 - (4) Evidence that was not provided to the investigator prior to the completion of the Investigative Report will not be considered unless it was not available to the party offering the evidence prior to the completion of the Investigative Report or the evidence could substantially change the outcome of the finding. The Panel Chair will determine whether such evidence meets one or both criteria.
 - (5) Persons who have no relevant information regarding the facts of the case may not participate as witnesses. This includes character references or witnesses to irrelevant incidents.
 - (6) Witnesses may only be present in the hearing while providing evidence.
 - (7) The hearing will be electronically recorded (audio only) by OSCR staff. In order to protect the confidentiality of the process and the privacy of individuals involved, no other participants are permitted to record the hearing. The Panel's deliberation is not electronically recorded.

- (8) The Executive Director or their designee will advise the Panel and may participate in questioning and deliberation, but they may not vote. The investigator may not serve in this role.
 - (9) The investigator will be present during the hearing but will leave the hearing room during deliberation.
 - (10) Neither the complainant nor the respondent will be allowed to question, or otherwise address, each other or any witness directly. Instead, when provided for by the hearing procedures, they may suggest questions to be posed by the Panel Chair. The Panel Chair may choose not to ask a question if it has already been answered, is irrelevant, or is inappropriate (e.g., a question regarding the complainant's prior sexual conduct with anyone other than the respondent). The Panel Chair may also reword a relevant question that is asked in an inappropriate manner.
 - (11) At the request of either the complainant or the respondent, OSCR staff will make arrangements for one party to participate in the hearing from another room equipped with technology enabling the Panel members, the complainant, and the respondent to see and hear any person who is answering questions.
 - (12) The Panel Chair may set additional rules for the hearing as needed, provided that none conflict with any provision of this appendix.
- (f) Hearing Procedures: Phase One
- (1) Under the direction of the Panel Chair, all Panel members and participants will introduce themselves by name and role.
 - (2) The Panel Chair will briefly describe the order of the hearing.
 - (3) The Panel Chair will invite the investigator to make a statement (if they choose) regarding the investigation, and Panel members may question the investigator. The respondent and the complainant will then have an opportunity to suggest questions for the investigator.
 - (4) The Panel Chair will invite the complainant to make an opening statement regarding the allegations. This statement should last no longer than ten minutes unless the Panel Chair approves a greater duration. The Panel members will then question the complainant, after which the respondent will have an opportunity to suggest questions to be posed to the complainant.
 - (5) The Panel Chair will invite the respondent to make an opening statement regarding the allegations. This statement should last no longer than ten minutes unless the Panel Chair approves a greater duration. The Panel members will then question the respondent, after which the complainant will have an opportunity to suggest questions to be posed to the respondent.
 - (6) The Panel Chair will invite each participating witness into the room, one at a time, to answer questions from Panel members. For each witness, both the respondent and the complainant will have an opportunity to suggest questions to be posed by the Panel Chair.
 - (7) Panel members will have a final opportunity to question the complainant, the respondent, and the investigator regarding the allegations.
 - (8) The Panel Chair will invite the complainant to make a closing statement regarding the allegations. This statement should last no longer than five minutes.
 - (9) The Panel Chair will invite the respondent to make a closing statement regarding the allegations. This statement should last no longer than five minutes.

- (10) The Panel Chair will excuse the complainant, the respondent, and the investigator from the room, and the Panel will enter into closed deliberation to find facts and determine responsibility. The Panel will make its decisions by simple majority vote and will apply the preponderance standard.
- (11) When the Panel has finished deliberating, staff will escort the respondent and the complainant back into the room, and the Panel Chair will read the Panel's decision. If the Panel has not found the respondent in violation of any sections of the Student Code, the Panel Chair will adjourn the hearing. If the Panel has found the respondent in violation of at least one section of the Student Code, the hearing will proceed into Phase Two.

(g) Hearing Procedures: Phase Two

- (1) The Panel Chair will invite the complainant to make a statement to the committee regarding the impact of the respondent's behavior relating to the violation(s) of the Student Code for which the respondent was found responsible and to submit any supporting documentation, and the Panel may question the complainant. Once Panel members have no further questions for the complainant, the Panel Chair will excuse the complainant from the room.
- (2) The Executive Director or designee will then share with the Panel information regarding the respondent's disciplinary history that was not deemed relevant to allegations.
- (3) The Panel Chair will invite the respondent to share any documentation that they would like the Panel to consider when determining sanctions, and the Panel may question the respondent.
- (4) The Panel Chair will excuse the respondent from the hearing, and the Panel will enter into closed deliberation to determine an appropriate formal sanction (see §2.04(b) of the Student Disciplinary Procedures) for the respondent. The Panel may also issue educational sanctions and apply additional conditions or restrictions set forth in §2.04(c) of the Student Disciplinary Procedures. The Panel will also compose a rationale for their sanctioning decision.

- (h) Notice of Action Taken. OSCR staff will provide email notification of the Panel's decision, including a rationale, to both the respondent and the complainant as soon as possible, usually by the end of the next business day. This notification will also include information regarding the parties' right to appeal the Panel's decision.

(i) Special Hearing Procedures.

- (1) Expedited Case Disposition. If, during the investigation, the respondent admits the allegations and Student Code violations, the investigator may offer the respondent an Expedited Case Disposition (ECD), which will include a description of the behavior, a waiver of the right to a formal hearing, a waiver of the right to appeal, specific responsibility determinations, and a set of sanctions and/or behavioral restrictions. If the respondent accepts and signs the offer, the investigator will also share the offer with any participating complainants. If they also accept and sign the offer, the investigator will present the ECD to a Panel of the Subcommittee on Sexual Misconduct for ratification. If the Panel ratifies the ECD by simple majority vote, OSCR staff will notify the signatories, and the decision described in the ECD will be final. If the Panel does not ratify the ECD, the case will proceed according to the investigation and hearing procedures described above.
- (2) Sanction-Only Hearing (One-Phase Hearing). If the respondent admits the allegations and Student Code violations, they may request in writing that the hearing described above proceed immediately to Phase Two. The Panel Chair will confirm, on the record, that the

respondent is accepting responsibility. If the respondent so confirms, the Panel Chair will proceed accordingly.

Section 8: Appeal Procedures

- (a) **Right to Appeal.** Both the respondent and the complainant have the right to appeal the Panel's decision. The Dean of Students may also appeal the decision on behalf of the university.
- (b) **Grounds for Appeal.** The appellant must base the appeal exclusively on one or more of the following grounds:
 - (1) The investigation and/or the hearing was not conducted fairly or in conformity with prescribed university procedures. The appellant must show that any alleged bias or deviation from the Student Disciplinary Procedures, including this appendix, is likely to have adversely affected the outcome of the original hearing.
 - (2) Any sanctions imposed by the Panel were not appropriate for the violation(s) for which the student was found responsible.
 - (3) New, substantive information, sufficient to alter the decision, exists and was clearly not available at the time of the original investigation and/or the hearing.
- (c) **Notice of Appeal.** The appellant must submit a Notice of Appeal and all supporting documentation to the Office for Student Conflict Resolution within five business days of the date of notice of the Panel's decision. The appellant may submit a written request to extend this deadline, and upon showing good cause, the Executive Director may grant such an extension.
- (d) **Content of Notice of Appeal.** The Notice of Appeal must contain at least the following: (1) specific grounds for appeal; (2) specific outcome requested; and (3) the appellant's reasons in support of the grounds identified and outcome requested. The appellant must submit the Notice of Appeal in writing and with the appellant's signature. Oral appeals are not accepted. If only one party submits a Notice of Appeal, OSCR will notify the other party of the submission and grant the other party access to all submitted documentation. The other party will have five business days from the date of notification to submit a written response to be considered as part of the appeal. If both parties submit a Notice of Appeal, both parties will be informed, granted access to all submitted documentation, and given five business days to submit a written response.
- (e) **Sanction Held in Abeyance Pending Appeal.** The effective date of any formal or educational sanction will be held in abeyance automatically during the period in which the appeal may be filed and, once an appeal is filed, until the committee reaches a decision on the appeal; however, the Executive Director has the discretion to require that certain behavioral restrictions, such as no contact directives, remain in place pending the appeal.
- (f) **Appellate Review.**
 - (1) The Chair of the SCSD or their designee will identify three SCSD members, of which one must be a faculty member and one must be a student, to consider any appeals of the Panel's decision. These individuals will constitute the Appeal Committee. Before the membership of this Appeal Committee is finalized, OSCR will provide both the respondent and the complainant with a list of all members of the SCSD. At this point, the respondent and complainant may challenge the objectivity of any person on this list. Such a challenge must be based on a conflict of interest (e.g., a prior relationship that may result in bias). The Chair of the SCSD or their designee will consider these challenges when making a final decision regarding Appeal Committee membership. Prior to serving on an Appeal Committee, all members will have received appropriate annual training, developed in consultation with the

university's Title IX Coordinator, on sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, domestic violence, and the physiological and psychological effects of trauma. If the Chair of the SCSD does not serve on the Appeal Committee, they or their designee will select a faculty member to chair the Appeal Committee.

- (2) The Appeal Committee will review all materials that were provided to the Panel, the recording of the hearing, the Notice(s) of Appeal, any documentation provided in support of the Notice(s) of Appeal, and any responses to the Notice(s) of Appeal in a timely manner.
 - (3) The Appeal Committee will meet to consider the appeal and will be advised by the Executive Director or their designee, who will not be allowed to vote. Neither the respondent nor the complainant will be allowed to attend the deliberations of the Appeal Committee, but the Executive Director may be present or authorize other non-voting parties, such as University Counsel, to be present in an advisory role.
- (g) Deliberations. The Appeal Committee will decide by simple majority vote whether the appellant has met any of the grounds for appeal. The decision of the Appeal Committee is final and binding on all parties.
- (h) Authority of the Appeal Committee. If the Appeal Committee determines that one of the three grounds for appeal has been met, the Appeal Committee may:
- (1) Affirm the Panel's decision;
 - (2) Modify the Panel's decision;
 - (3) Remand the case to the original Panel (with instruction) or a new Panel (with or without instruction) for a new hearing; and/or
 - (4) Modify any sanctions imposed.
- (i) Notice of Decision. OSCR will communicate the decision to the respondent and the complainant within five business days of the date the Appeal Committee reached its decision.
- (j) Appeal Timeline. The anticipated duration of the appeal process is 20 business days. If the time between OSCR's receipt of the Notice of Appeal and the final decision will substantially exceed this estimate, OSCR staff will notify both the respondent and the complainant of the delay and the reason for the delay.

Section 9: Petitions to the Subcommittee on Sexual Misconduct

- (a) Persons who have been dismissed from the university for disciplinary reasons may petition for permission to re-enter the university.
- (b) A petitioner is not a member of the university community. Petitioners must demonstrate that they are fit to return to the academic community, not simply that they have completed all listed sanctions in the dismissal letter.
- (c) In order for a petition to be considered:
 - (1) The petition must be filed before November 1 for fall petition requests and before March 15 for spring requests;
 - (2) The petitioner must provide documentation that all educational requirements and conditions have been fully and completely satisfied.
- (d) This petition should minimally include:

- (1) A description of the incident(s) for which the sanction was assigned and the responsibility the student had in the violation;
 - (2) A description of the behavioral changes the petitioner has made since the incident(s) and completion of the sanction(s);
 - (3) The petitioner's anticipated graduation date and the career and/or additional education plans he/she has following graduation.
- (e) The Executive Director or their designee will appoint a Panel composed of three members of the Subcommittee on Sexual Misconduct to hear the petition. At least one student must be appointed to the Panel. If the respondent is a graduate student, the Panel will include a representative of the Graduate College as a non-voting member. Once appointed, voting Panel members will select a faculty or staff member to serve as Chair.
 - (f) Both the petitioner and the complainant will be invited to appear in person before the Panel to discuss the petitioner's request for readmission in statements of ten or fewer minutes in duration. All participants may be accompanied by an advisor to the petition hearing, but this advisor may not actively participate in the petition hearing. Both petitioners and complainants have the option of participating in the process over the phone, by video conference, or in person. Any witness testimony may be presented by written statement only.
 - (g) Both the petitioner and the complainant will be given an opportunity to challenge the objectivity of any Panel member. Such a challenge must be based on a conflict of interest (e.g., a prior relationship that may result in bias).
 - (h) The complainant and the petitioner will present their statements to the Panel separately, with the complainant being invited to present their statement first. Neither the complainant nor the petitioner will be present while the other is making their statement.
 - (i) Petitions to the subcommittee may not be appealed by the petitioner or the complainant and are not audio recorded.
 - (j) The Panel will make its decisions by simple majority vote.
 - (k) The Panel may:
 - (1) Deny the petition and assign a new date and new requirements for the next consideration of the petition;
 - (2) Grant the petition and allow the petitioner to pursue the readmission process.
 - (l) Petitioners granted permission to pursue readmission are assigned the formal sanction of Conduct Probation until Graduation, unless a Panel determines strong mitigating factors warrant a lesser formal sanction. The Panel may also issue behavioral restrictions or educational sanctions that they deem appropriate.
 - (m) The Panel's decision to grant the petitioner the right to pursue the readmission process does not abrogate the right of any college to deny readmission on the basis of scholarship.

Section 10: Additional Responsibilities of the Title IX Coordinator in the Student Discipline System

- (a) **Advisory Role of the Title IX Coordinator.** The Executive Director and the investigators may seek advice from the Title IX Coordinator or their designee regarding investigations, possible interim measures or other remedies, training, and compliance with Title IX and other federal, state, or local laws and regulations.

- (b) Review by Title IX Coordinator. The Title IX Coordinator or their designee will review all sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence cases upon their completion to determine whether the university needs to take additional action that was not available through the disciplinary process.

Section 11: Privacy

- (a) Any proceeding, meeting, or hearing held as part of the process described in this appendix will protect the privacy of the participating parties and witnesses.
- (b) The university will not disclose the identity of the respondent or any complainants, except as necessary to investigate the allegations or to implement interim protective measures and accommodations or when provided by state or federal law.

Section 12: Conflicts of Interest and Bias

- (a) Any OSCR staff member, investigator, Subcommittee on Sexual Misconduct member, or SCSD member who has a conflict of interest with respect to a specific case must recuse themselves from any role in that case.
- (b) Any OSCR staff member, investigator, Subcommittee on Sexual Misconduct member, or SCSD member who has a bias for or against any respondent or complainant in a specific case must recuse themselves from any role in that case.