



## Dean of Students/Office of Student Conduct

### PROCEDURES FOR DEFINING AND ADJUDICATING SEXUAL VIOLENCE CASES INVOLVING STUDENTS

Effective Fall 2017

These Procedures for Defining and Adjudicating Sexual Violence Cases Involving Students provide information related to **Section 4** of the **Southeast Missouri State University's Statement of Student Rights and Code of Student Conduct or Code**.

The following operating procedures support the University's policy pertaining to Title IX compliance, sexual discrimination, sexual harassment and sexual violence. University policy prohibits and will not tolerate sexual harassment and/or sexual violence in any form by or against students, faculty, staff or others. The University's Title IX Compliance Policy is available at <https://semo.edu/pdf/FinAdm-01-02-Policy.pdf>.

Southeast Missouri State University is committed to fostering a safe, healthy and civil learning and working environment that is free from all forms of discrimination based on gender identity or sexual orientation, and to promoting an environment of personal integrity and mutual respect for all members of the University community. The goals of this policy and procedure are to prevent all forms of sex discrimination, to promptly address and remedy such discrimination if it occurs, and to prevent its recurrence.

This prohibition encompasses a range of behaviors, including, but not limited to, sexual harassment, sexual assault, nonconsensual and unwelcome sexual contact, stalking, relationship violence, voyeurism, and other forms of sexual violence. Such behaviors are not only in violation of this policy, but may also violate applicable state and Federal nondiscrimination laws, including, but not limited to, Title IX of the Educational Amendments Act of 1972. Title IX prohibits discrimination based on sex under any education program or activity receiving federal funds, and requires the University not to discriminate based on sex (including sexual harassment and sexual violence) in any of its education programs and activities. Sexual violence may also lead to separate criminal proceedings being initiated against the alleged perpetrator.

University policy, as well as Title IX and other applicable state and federal laws, also prohibits retaliation against anyone who has asserted a claim of sex discrimination, including sexual violence.

All members of the Southeast Missouri State University community are strongly encouraged to promptly report all incidents of sexual harassment/sexual misconduct/sexual assault, so they can be effectively addressed and appropriate action can be taken. The following information provides the definitions used by the University in the resolution of these types of cases; the rights and responsibilities of both the respondent and the reporting party (sometimes referred to as the victim); reporting and resource options; as well as confidentiality information. These guidelines apply also apply to online behavior and information distributed through social media that may affect the students' educational experience. The guidelines also apply to all students, regardless of gender identity or sexual orientation. In the absence of a reporting party (and/or if

a reporting party decides not to participate in the student conduct process, the University may initiate a complaint against a respondent if that is in the best interest of the health and safety of the University community as a whole. In that type of situation, the reporting party's (victim's) information will be maintained as private as long as it does not hinder the University's ability to intervene in the matter and provide reasonable interim measures.

## SEXUAL VIOLENCE

Definition: Any unwanted or forced sexual contact by one person upon another, which may include, but is not limited to:

### 1. Sexual Assault – Nonconsensual sexual intercourse:

- a) Any sexual intercourse
- b) Anal, oral or vaginal
- c) However slight
- d) With any object
- e) Without effective consent

### 2. Sexual Misconduct – Nonconsensual sexual contact:

- a) Any sexual touching
- b) However slight
- c) With any object
- d) Without effective consent

## CONSENT AND INCAPACITATION

1. Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words.
2. Students should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.
3. **Conduct will be considered “without consent” if no clear consent, verbal or nonverbal, is given.** The perspective of a reasonable person will be the basis for determining whether a respondent knew, or reasonably should have known, whether consent was given. However, being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for sexual violence.
4. **Incapacitation** is a state where someone cannot make rational, reasonable decisions or judgments because they lack the ability to give knowing consent (*e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction*). Incapacitation can occur mentally, from a cognitive impairment or development disability, or physically, from the use of alcohol or other drug use (voluntary or involuntary), or blackout (*a period where memory formation is blocked or a period of consistent memory loss*).

Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of the Code of Conduct. As previously stated, the Code of Conduct covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, an inability to communicate one's wishes, or from the use of drugs (voluntary or involuntary) (ATIXA, 2017).

## **SEXUAL HARASSMENT**

According to the Equal Employment Opportunity Commission (EEOC), Federal Government Title VII and IX, sexual harassment is any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made a term or condition of employment (explicitly or implicitly);
- Submission or rejection to such conduct is used as a basis for employment decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment

## **STATEMENT OF INTENT**

Southeast Missouri State University is a community of trust whose very existence depends on strict adherence to standards of conduct set forth by its members. Sexual violence is a crime punishable by both civil and criminal legal action and a serious violation of Code of Student Conduct. It will not be tolerated within our University community. Students at Southeast Missouri State University are charged with the responsibility of being familiar with and abiding by the standards of conduct outlined in this and all University publications.

## **UNIVERSITY'S STATUTE OF LIMITATIONS**

As long as the responding student maintains a relationship with Southeast Missouri State University charges may be brought against them under this procedure regardless of the date of the incident. If an alleged event is reported after a student has left the institution, the University will place a Dean of Students Office Hold on the student's account with the Registrar. This will prevent future enrollment unless the case is resolved appropriately by the Office of Student Conduct. Students who withdraw or leave the University with more serious Code of Student Conduct charges pending will not forestall judicial action in their case. This means that if a student is facing at least Probation as a status sanction due to an incident, the case will be adjudicated in the student's absence.

The University encourages a student to report the incident quickly in order to maximize the institution's ability to respond and investigate. There is no time frame for reporting an incident.

## **AMNESTY CLAUSE**

A person will have limited immunity if sexual violence is reported. Example: Amy reports that she is a victim of a sexual assault and she did not consent. During the investigation, it is learned that Amy had been drinking. Amy would not be charged with violating the University's alcohol policy.

Also, the student's immigration or visa status has no bearing on the individual's ability to report. This means that any student, regardless of that student's country of origin may report without fear of repercussions.

## **JURISDICTION**

Reports of sexual violence will be considered to have a substantial impact on the campus community and will be investigated fully regardless of whether the incident occurs on or off campus.

Students can report allegations of sexual harassment/sexual misconduct/sexual assault carried out by other students, third parties (non-students), and/or employees. These guidelines are not a substitute for the law or the criminal process. The allegation may also represent a situation that involves a possible violation of criminal law. The University supports the students in reporting criminal activity to the appropriate law enforcement entities.

Reports involving sexual violence and sexual assault which are filed with law enforcement entities may involve a criminal proceeding that is separate from the University's process. They are independent of each other, meaning that even if charges are dropped off-campus or never filed, the University's case will continue at the discretion of the Office of Student Conduct or Dean of Students.

Information may be shared between the University (Office of Student Conduct/Dean of Students) and the appropriate law enforcement entities. Students are able to make complaints to on-campus and off-campus agencies at the same time.

## **STUDENT GROUP OR ORGANIZATION INFRACTION**

A student group or organization may be held responsible for the action(s) of its members. The group or organization may be subject to judicial action under the University's Code of Student Conduct. The definition of a student organization is as follows:

A ***student organization*** includes groups of students recognized as a student organization by Student Government; registered with Campus Life and Event Services as a student organization; or acting in a manner similar to such student organizations even if not formally recognized.

## **REPORTING PARTY'S STATEMENT OF RIGHTS**

Individuals who have filed a complaint of sexual violence have the following rights:

- The right to be treated with respect by University officials;
- The right to have others present (in support or advisory roles) during a campus disciplinary hearing including legal counsel;
- Advisors (lay or counsel) are restricted from presenting evidence or otherwise presenting the case but may communicate with the reporting party during the proceeding by giving advice and counsel;
- The right not to be discouraged from reporting sexual violence by University officials;
- The right to be informed of the outcome and any sanction(s) of a campus disciplinary hearing involving sexual assault;
- The right to appeal the outcome of the campus disciplinary hearing involving sexual assault;
- The right to be informed about the process for adjudicating these cases and to be provided resources and/or a resource person to assist you with understanding the process.
- The right to be informed of the option to notify proper law enforcement authorities, including campus and local police agencies, as well as the option to be assisted by University officials in notifying such authorities, if the reporting party so chooses;
- The right to be notified of available counseling or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of, options for, and available assistance in changing academic and living situations after an alleged sexual assault incident, if the reporting party so chooses and if such changes are reasonably available;
- The right not to have prior sexual history admitted during a campus disciplinary hearing;
- The right not to have incidents of sexual violence mediated by University officials;
- The right to make a victim-impact statement to the hearing board and to have that statement considered by the hearing board in determining its sanction(s);
- The right to a campus restraining order or notice against trespass against another individual or individuals who have engaged in or threaten to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the individual who has initiated the allegation; and
- The right to have a complaint of sexual violence responded to quickly and with sensitivity by campus police and members of the Office of Student Conduct;

## **RESPONDENT'S (REPORTING PARTY'S) STATEMENT OF RIGHTS**

Persons accused of possible violation of this policy on sexual violence have certain rights, which include the following:

- Protection under the Family Educational Rights and Privacy Act (1974) regarding release of information to outside or uninterested parties;
- The right to receive written notice of specific charges and procedural information;
- The right to contact and call witnesses;
- The right to have access to and examine all records of evidence to be used against the respondent;

- The right to have access to University health services including physical health services and counseling services (while the respondent maintains an active, continuing relationship with the University);
- The right to challenge the impartiality of persons hearing the charges;
- The right to maintain academic work while charges are pending although special arrangements, including reasonable accommodations for either the reporting party or the respondent may be necessary;
- The right to refuse to answer self-incriminating questions;
- The right to rebut the testimony of adversarial witnesses;
- The right to have an advisor present at all administrative proceedings. This may include legal counsel if civil or criminal charges are pending and/or Suspension is a possible outcome;
- Advisors (lay or counsel) are restricted from presenting evidence or otherwise presenting the case but may communicate with the respondent during the proceeding by giving advice and counsel;
- The right to written notice of the outcome of the proceedings and of all requirements for fulfilling any prescribed sanction(s); and
- The right to appeal the outcome of the hearing
- The right to be informed about the process for adjudicating these cases and to be provided resources and/or a resource person to assist you with understanding the process.

**FOR OFFICE OF STUDENT CONDUCT CASES INVOLVING SEXUAL ASSAULT AND SEXUAL MISCONDUCT, THE RESPONDING STUDENT WILL HAVE A HEARING WITH AN ADMINISTRATIVE PANEL. THE PANEL WILL BE MADE UP OF SOUTHEAST FACULTY, STAFF, AND/OR STUDENTS FROM THE ALL UNIVERSITY JUDICIAL BOARD.**

## **SANCTIONS**

The following judicial sanctions may be imposed upon any student found to have violated the Student Code.

**Warning:** Written notification from the University that the student has been involved in a violation of University policies and that repetition of this or any other violation may be expected to result in a more serious sanction.

**Loss of Privileges:** Denial of a designated privilege for a specified period of time.

**Restitution:** Compensation for loss, damage or injury in the form of appropriate service and/or monetary or material replacement. Restitution will be limited to replacement to original state. Punitive charges will not be added to the cost of restitution.

**Discretionary Sanctions:** Community service, service to the University, or other related educational assignments.

**Probation:** A written reprimand for violation of specified regulations. Probation indicates that the student is no longer in good standing with the University. If during the length of the probation the student is found in any further violation of the University Code of Student

Conduct, a more severe disciplinary sanction may be imposed, including suspension or dismissal.

**Suspension from Residence Life:** Separation from Residence Life indefinitely or until certain conditions are met. The student is not in good standing with the University.

**Suspension from the University Held in Abeyance (with a University Behavioral Contract):** A Behavioral Contract indicates that the student has been Suspended from the University; however, the Suspension has been held in abeyance (or put aside temporarily) as long as the student abides by the specific details of the signed contract. The student is not in good standing with the University while on the contract. Suspension is invoked immediately if further violations of the Code of Student Conduct occur.

**Suspension from the University:** Suspension involves separation from the University for a specified period of time or until certain conditions are met. Suspension involves denial of enrollment, attendance of classes, and other student privileges; the student must leave the campus. Suspension is noted on official University transcripts for the specified length of the Suspension.

**Dismissal from the University:** Separation from the University for an indefinite period of time. Readmission is possible but not guaranteed, based on meeting all readmission criteria and obtaining clearance from the Dean of Students or designee. Dismissal is noted on official University transcripts.

**Expulsion from the University:** Separation from the University without the possibility of readmission. Expulsion is noted on official University transcripts.

**Notice Against Trespass (NAT):** Notice that the student will be arrested if the individual is found on specified University premises. Student is no longer in good standing with the University. Suspensions, Dismissals, and Expulsions carry an automatic **NAT** for all University premises or as specified.

**Revocation of Recognition/Registration of a Student Organization:** Notice that an organization's standing as a registered student organization with the University is terminated for a set period of time or permanently.

## REPORTING OPTIONS

**Campus Violence Prevention Program**  
(<http://www.semo.edu/ucs/violenceprevention/index.html>) - (573) 986-6191

The Campus Violence Prevention Program (located within Counseling and Disability Services in Dearmont B1 Wing) raises awareness and promotes the primary prevention of interpersonal violence to create a safe campus environment. The Campus Violence Prevention Program The Coordinator plans and coordinates programs (i.e., trainings, workshops) to educate students, faculty, and staff on the realities of violence, sexual assault, and stalking. The Coordinator participates in a variety of directed activities to provide direct support to students who experience sexual assault and interpersonal violence.

The program informs students and employees of their rights regarding reporting instances of violence and ensures access to counseling, victim advocacy, legal assistance, and supportive services available on campus and in the community. The program serves a vital role in promoting bystander intervention and educating the campus to prevent interpersonal violence.

There are a number of places that a student can report an incident of dating or domestic violence, sexual assault, and/or stalking, whether the incident occurred on or off campus. The Campus Violence Prevention Program partners with both on and off campus locations that allow reporting. There is also a third party reporting option available to those who wish to report on someone else's behalf. Also, a student may report confidentially to a member of the Counseling and Disability Services staff. Other reporting options will be explained to the reporting student. They include the following:

- Dean of Students Office – (573) 651-2264
- Department of Public Safety – (573) 651-2215 (911)
- Office of Student Conduct – (573) 651-2264
- Counseling and Disability Services – (573) 986-6191
- Office of Residence Life – (573) 651-2274
- Towers Front Desk – (573) 651-2306

It is important to note that if a student reports an incident involving sexual harassment/sexual misconduct/sexual assault to a University employee, including administrators, faculty, staff, student employees (including Resident Assistants and Graduate Assistants not working in the Counseling and Disability Services office), those individuals are obligated to report information to Dean of Students/Office of Student Conduct/Title IX Coordinator (defined later).

As previously noted, confidential reports can be made at Counseling and Disability Services on campus and/or to one of the off-campus agencies listed below. **THE UNIVERSITY'S ABILITY TO RESPOND TO AN ALLEGATION MAY BE LIMITED WHEN ANONYMOUS OR THIRD PARTY REPORTS ARE MADE.**

## **COMMUNITY RESOURCES**

- Southeast Missouri Network Against Sexual Violence (SEMO NASV) – (573) 332-1900
- Sexual Assault and Rape Crisis Hotline – (877) 820-6278
- Safe House for Women, Inc. – (573) 651-1614 or 335-7745
- Safe House 24-hour Crisis Hotline – (800) 341-1830

## **HOSPITALS**

- Saint Francis Medical Center – 331-3000 (331-5110 Emergency Number)
- Southeast Health – 334-4822 (651-5555 Emergency Number)



## **SAFETY**

Assess the safety of the location. Does it feel like a safe place? Is there a chance the person may return? Is there anyone to call for support? Is there a safer place to go? (ex: Friend's room, Neighbor's home, Safe House for Women, Inc., etc.)

## **MEDICAL CARE**

Staff members at SEMO NASV or the hospital can help with treating injuries, pregnancy and Sexually Transmitted Infection (STI) assessment, possible prevention if it has been within 72 hours, and evidence collection. An evidence exam is often described like a gynecological visit. This procedure may go on a student's insurance if available, but SEMO NASV may be able to help if this is not an option. If possible, do not shower, brush teeth, or destroy/throw away evidence (such as condoms, underwear, etc.) before the exam. Also, SEMO NASV recommends placing any clothing items or other evidence in paper rather than plastic bags to help preserve the evidence. The student has the right to decide whether the evidence collected in a evidence exam will be used for criminal prosecution.

## **SUPPORT**

A relative, friend, counselor, advocate from either the Safe House for Women or SEMO NASV, or an attorney can accompany the student through this.

## **LEGAL OPTIONS**

A police report may be filed. This would be through the Department of Public Safety (DPS) if it happened on campus; through Cape Girardeau Police Department if it happened off campus; or through the law enforcement agency in the jurisdiction in which it occurred. Do not be afraid to ask questions before reporting the incident or throughout. The student may consult with the police officers about pressing charges and continuing forward with a criminal suit.

If the respondent is a student at Southeast, restrictions can be placed upon him/her through the Office of Student Conduct. These include "Letters of No Contact", moves within the residence halls, Notices Against Trespass, changes in class schedule, Interim Suspension, etc. Adjudication at the University is based on a preponderance of evidence (more likely than not), rather than reasonable doubt.

A Letter of No Contact is not the same as an Ex Parte Order that is filed through the legal system. A Letter of No Contact is a University related document that prohibits students from having any contact whatsoever during the time the guideline is in place. Violating that restriction is not a criminal offense, but it is a violation of the Code of Student Conduct.

Information can be provided through the Campus Violence Prevention Program for completing a civil order of protection (Ex Parte Order). The violation of a civil order of protection is a criminal offense.

Students who are found "In Violation" of Section 4 of the Code related to the **PROCEDURES FOR DEFINING AND ADJUDICATING SEXUAL VIOLENCE CASES INVOLVING STUDENTS**

face sanctions up to and including Suspension, Dismissal, or Expulsion from the University. Depending on the severity of the case, the student may receive Probation, Suspension Held in Abeyance, a mental health evaluation and subsequent treatment plan, judicial fines, removal from residence halls, restrictions from entering certain campus areas, parental notification, a no contact order, class schedule changes, etc. The reporting party in these types of cases (also including cases with domestic/relationship violence) are provided information related to the results of the student conduct hearing from their case and are given the same opportunity to appeal the results.

A civil suit may also be filed. Individuals who have been sexually assaulted or otherwise exploited have successfully sued for emotional distress, hospital fees, etc. Legal representation will need to be found and consulted. Any option or combination of these legal options may be pursued by a student. Again, it is important to know that whatever a person decides to do, the individual does not have to do it alone.

## **LAW ENFORCEMENT AGENCIES**

- Cape Girardeau Police Department – 573-335-6621 (911 Emergency Number)
- Cape County Sheriff's Department – 573-243-3551 (911 Emergency Number)
- University Police (Department of Public Safety) – 573-651-2215 (573-651-2911 Emergency Number)

## **REPORTING TO THE OFFICE OF STUDENT CONDUCT**

The Office of Student Conducts is obligated to investigate all reports of sexual misconduct, assault, or harassment as required by law, and to investigate to the extent that the information is available. Please know that if the Office of Student Conduct were to become aware of independent corroborating information of the misconduct that is alleged, and/or that there may be a danger to the community, it may be necessary for that office to proceed with the investigation process without involvement of the reporting party, or implement other appropriate remedies. Although if a student does not wish to participate in the investigatory process, the student will be notified if the Office of Student Conduct needs to take such action. In addition, the Office of Student Conduct is required to document any reports (anonymous reports included) for general CLERY Act statistics (<http://www.semo.edu/dps/statistics.htm>). There will be no personally identifiable information about students shared in this report. If an incident is reported which occurs on-campus or adjacent to campus and no perpetrator is identified or arrested, a timely warning may be issued on campus to notify the campus community of the possible risk of another occurrence or further criminal violation. Timely warnings are also issued for other criminal situations like armed robbery, physical assault, and indecent exposure.

If a report is received by the Office of Student Conduct, the following steps will be followed in the process of the investigation:

1. Complaint is received by the Office of Student Conduct. Title IX Coordinator is notified. DPS is notified.
2. Determine if available resources (mental health/medical) resources have been made available to the reporting party.

3. Determine if a law enforcement investigation is occurring.
4. If the reporting party intends to remain anonymous, then a “Reluctant Witness Letter” is provided to the student (through Counseling and Disability Services or other office if necessary). If the reporting party wishes to pursue a University and/or criminal case, explain the process and again make sure that the reporting party is briefed on available resources.
5. (When given permission by law enforcement) Contact the respondent and initiate a “Letter of No Contact” and make any other necessary modifications in the living situation, class schedule, or other campus circumstances. If a Notice Against Trespass is needed for parts of campus, the respondent will be notified of the requirements at that time. Complete any other interim measures that are necessary and explain the student conduct process to the responding student.
6. Receive report from law enforcement (if applicable) and interview the reporting party, respondent, and any other witnesses.
7. Contact Title IX Coordinator via e-mail and provide summary of fact finding – determination is made about Official Charge Letter.
8. (If applicable) Charge letter is sent to the responding student(s) and judicial conference is arranged. Case reports and information are read, explained, and/or discussed with the respondent and reporting party.
9. Hearing is scheduled and completed with the Administrative Panel for sexual assault and sexual misconduct cases. (Please refer to the Code of Conduct for other types of cases.) The reporting party may appear in person or via speaker phone, or the person may choose not to appear. The reporting party may provide a victim impact statement to be read by hearing panel prior to sanctions being given.
10. Results of hearing are given in writing to the respondent as the hearing concludes – the respondent has five school days to appeal to the Dean of Students.
11. Results of hearing are provided to the reporting party in writing via e-mail – the reporting party has five school days to appeal to the Dean of Students. (If sanctions are modified by Dean of Students through appeal by the responding party, the reporting party is given one other opportunity to appeal.
12. If necessary, the completion of sanctions and other follow-up is coordinated by the Office of Student Conduct.

**It is important to note that direct questioning/cross examination of the reporting party(s) or responding students is not allowed in student conduct hearings. All questions are asked through the hearing panel. In sexual harassment/sexual assault/sexual misconduct type cases, the reporting party may appear in person or via speaker phone or other electronic media.**

The goal is to complete the process within 60 working days. The process could take more time if law enforcement investigations are involved, a change in semesters occur between the

beginning and end of the investigation, there are delays in receiving witness information, or other complications.

## **TITLE IX COORDINATOR**

As was noted earlier, sexual harassment/sexual misconduct/sexual assault cases fall under a Title IX of the Educational Amendments Act of 1972. If at any point in the process the reporting party or respondent wants to report a concern about the process we use for handling these cases, please contact our Title IX Coordinator, Ms. Sonia Rucker, at (573) 651-2524.

For cases involving sexual harassment (including sexual misconduct and sexual assault), they fall under a federal law (Title IX), so Ms. Rucker is in charge of making sure that the process is followed appropriately and that both the rights of the reporting party and the respondent are protected in the process.

## **REASONS FOR APPEAL**

**Appeals are possible when one or more of the following circumstances apply:**

1. Student received an excessive sanction when compared to previous sanctions for similar violations under similar circumstances.
2. Discovery of significant new information relevant to the case.
3. Procedural error regarding the student's rights involving error in the administration of judicial procedures by the hearing body/officer or the Office of Student Conduct.
4. The reporting party can also appeal if the person feels the outcome of the hearing was arrived at improperly.

If an appeal is filed by either party, the other party will be notified in writing (via e-mail) by the Office of Student Conduct. The respondent and the reporting party will also be notified in writing of any changes or revisions during the appeal process.

**APPEALS MUST BE SUBMITTED BY 4:00 P.M. ON THE FIFTH SCHOOL DAY AFTER THE INITIAL DECISION IS RENDERED.**

Appeals are to be submitted to the Dean of Students Office in the University Center, 422. If there is a basis for appeal, the Dean of Students will review the case and make recommendations based on the findings.

An appealed case merits being considered based on the conditions outlined on the reverse side. The process of appeal is not for retrying or rehearing a case. Decisions made by the Dean of Students can result in one of the following: to lessen the consequence(s) based on a finding that the decision/sanction(s) were excessive or not in line with past practice; to modify the sanction(s) or decision based on the case review; or in very limited situations to grant a new hearing based on new information or failure to follow the due process.

## **PROHIBITION AGAINST RETALIATION**

Reprisal or retaliation against an individual for making a complaint of sexual harassment or sexual violence, for participating in a sexual harassment or sexual violence investigation, or using or participating in the informal or formal complaint process, is prohibited by University policy and by law. Any member of the University community has the right to raise good faith concerns about sexual harassment or sexual violence without fear of retaliation. Retaliation is also prohibited against anyone who in good faith opposes, in a reasonable manner, an act believed to constitute a violation of this policy.

Retaliation shall be considered a serious violation of this policy independent of whether a complaint of sexual harassment or sexual violence, formal or informal, is substantiated. Encouraging others to retaliate also violates this policy.