

University of Nebraska at Omaha

Response to Allegations of Student Sexual Harassment

I. Introduction

- a. Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by Federal law.
- b. Sexual harassment is misconduct in violation of University policy and state and federal law that the University will take action to eliminate, prevent, and redress once the University knows it has occurred.
- c. The University will investigate reported allegations of sexual harassment and may take appropriate action even if the alleged victim or Complainant does not wish to pursue formal charges. Any response by the University may be hindered by the alleged victim's or Complainant's desire for anonymity and/or inaction.
- d. Sexual harassment of a student may be investigated by the University whether it is alleged to have been committed on or off campus.
- e. Any person can complain of sexual harassment of a student. Complaints of sexual harassment may be made using the University's internal processes at the same time that criminal complaints or charges are pursued with the appropriate law enforcement or external agencies. University internal investigation and disciplinary charges are independent of any criminal or external investigation.
- f. The University may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending, has been dismissed, or the charges have been reduced.
- g. Complaints regarding sexual harassment of a student by a student can be made to the Assistant to the Chancellor for Equity, Access & Diversity and Title IX Coordinator, Charlotte Russell, 6001 Dodge Street, EAB 207, (402)554-3490 or crussell@unomaha.edu

- h. Complaints regarding sexual harassment of a student by faculty or staff can be made to the UNO Assistant to the Chancellor for Equity, Access & Diversity and Title IX Coordinator, Charlotte Russell, 6001 Dodge Street, EAB 207, (402)554-3490 or crussell@unomaha.edu .
- i. University policy prohibits retaliation against any person making a complaint of sexual harassment or against any person cooperating in the investigation, including but not limited to witnesses. The prohibition of actual or threatened retaliation applies to third parties as well as students.
- j. In addition to formal University proceedings, victims of sexual harassment may seek counseling and health services if needed.

II. Definitions

- a. “Administrative Resolution” is at least one meeting between the Conduct Officer and a Respondent and the Complainant to determine whether a student has violated the Code and to impose sanction(s), if warranted.
- b. The term “advisor” means any person, including legal counsel, who assists the Respondent, Complainant or Conduct Officer during a Conduct proceeding.
- c. The term “Appeals Board” means persons authorized by the Student Affairs Officer to determine on appeal whether a student has violated the Code and/or to recommend the imposition of one or more sanctions.
- d. The term “Code” means the campus Student Code of Conduct.
- e. The term “Complainant” means any person who comes forward to the Student Affairs Officer, Title IX Coordinator or Human Resource Officer to complain of sexual harassment by a student, member of the University community or a third party.
- f. The term “Conduct Board” means persons authorized by the Student Affairs Officer to determine whether a student has violated the Code and to impose sanction(s), if warranted. The Conduct Board must include one or more student members when sanctions of suspension or expulsion are involved.¹

¹ Section 5.4(e) of the Bylaws of the Board of Regents requires “a hearing before a regularly constituted board in all cases involving expulsion or suspension.”

- g. The term “Conduct Officer” means a University official authorized by the Student Affairs Officer to impose sanctions upon students found to have violated the Code.
- h. The term “in violation” means that it is more likely than not² that a student committed one or more violations of the Code.
- i. The term “may” is used in the permissive sense.
- j. The term “member of the University community” includes any person who is a student, staff, faculty member, University official, or any other person employed by, or acting on behalf of the University. A person’s status in a particular situation shall be determined by the Conduct Officer.
- k. The term “not in violation” means that it is more likely than not that a student did not commit one or more violations of the Code.
- l. “Respondent” is any student who is charged with having violated one or more provisions of the code.
- m. “Retaliation” includes intimidation, threats, harassment, and other adverse action threatened or taken against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting of sexual harassment.
- n. “Sexual harassment” is unwelcome conduct or behavior of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence, sex without consent or by force, threat of force, or intimidation (i.e. stalking). Sexual harassment includes but is not limited to:
 - i. Non-consensual touching and/or fondling
 - ii. Forcing an unwilling person to touch another’s intimate parts
 - iii. Sodomy, sexual penetration, or intercourse without consent
 - iv. Sodomy, sexual penetration, or intercourse when a person is mentally or physically incapable of resisting or giving consent (e.g., due to the use of alcohol, drugs, or inability to appraise the nature of his or her conduct)

² By making a finding of whether it is more likely than not that a violation did or did not occur, a “preponderance of the evidence” standard is being used.

- v. Sodomy, sexual penetration, or intercourse committed under conditions of force, threat, or fear
 - vi. Other unwanted sexual advances, whether physical, verbal, or communicative (e.g., harassment using computer technology, or recording, photographing, or transmitting images of a private sexual activity), not otherwise specified.
- o. The term “shall” is used in the imperative sense.
- p. The term “student” includes all persons taking courses at the University, whether full-time or part-time, pursuing undergraduate, graduate, or professional studies, whether or not they reside in the University residence halls. Persons who withdraw after having allegedly committed sexual harassment, or who are not officially enrolled for a particular term, but who have an expected continued academic relationship with the University, may be considered “students.”
- q. The “Student Affairs Officer” is the person authorized by the University and the University Chancellor to be responsible for the administration of the Code, and in certain circumstances includes his or her designee.
- r. The “Title IX Coordinator” is the individual designated by the campus to respond to allegations of sexual harassment by students, and in some circumstances can include his or her designee.
- s. The term “University” means University of Nebraska. The term “University business day” means any calendar day where the campus offices are open for business and classes are in session, excluding weekends and national holidays.
- t. The term “University official” includes any person employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules.
- u. The term “University premises” includes all land, buildings, facilities, University approved housing and other property in the possession of, or owned, used, or controlled by the University, including adjacent streets and sidewalks.

III. Intake Records and Reports of Investigations

- a. Written records regarding reports or complaints of sexual harassment shall be kept by the University office that receives a report or formal complaint of sexual harassment.
- b. Written records will contain, at a minimum, the following information:
 - i. The name ³ and sex of the alleged victim of sexual harassment and, if different, the name and sex of the Complainant;
 - ii. A statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
 - iii. The date that the formal complaint or other report was made to the University;
 - iv. The date the Respondent was interviewed;
 - v. The names and sex of all persons alleged to have committed the alleged sexual harassment;
 - vi. The names and sex of all known witnesses to the alleged incident(s);
 - vii. The dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
 - viii. Any written statements of the Complainant (or victim, if different from the Complainant) regarding the alleged incident(s);
 - ix. The date on which the University deferred either its investigation or disciplinary process because the Complainant filed a criminal or external administrative complaint and, as applicable, the date on which the University resumed its investigation or its disciplinary process;
 - x. The outcome of the University investigation and, if any, disciplinary sanctions;
 - xi. The response of University personnel including any interim and permanent steps taken with respect to the Complainant and the Respondent; and
 - xii. A narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.
 - xiii. Copies of all reports will be sent to the office of the Title IX Coordinator.

³ The record should note whether the alleged victim of sexual harassment or the Complainant wishes to remain anonymous.

- c. Upon receipt of a sexual harassment complaint or report, the University will provide the Complainant a written notice describing the options of pursuing a criminal complaint with a law enforcement agency, filing an administrative charge with an external agency, and/or using the University's investigation and disciplinary processes. The Complainant may go forward with one or more options at the same time, but the University's investigation may need to be delayed temporarily by, or scheduled around, an ongoing criminal or external administrative investigation.
 - i. The Complainant must determine, in writing, if he or she wishes to pursue a complaint with an Administrative resolution or a Conduct Board hearing. If he or she does not wish to pursue the complaint and/or requests that his or her identity remain anonymous, the Student Affairs Officer will make note of that wish in the report. Regardless of the Complainant's choice, the University is still required to investigate the complaint. The Student Affairs Officer will inform the Complainant if the University cannot ensure anonymity.
 - ii. If the Complainant wishes to pursue an Administrative resolution, the Student Affairs Officer will forward the complaint to a Conduct Officer to determine the desire of both parties to continue with the Administrative resolution process as described in Section VII, determine the Respondent's plea, conduct an independent investigation of the complaint, and impose sanctions as necessary.
 - iii. If the Complainant wishes to pursue a Conduct Board hearing, the Student Affairs Officer will forward the complaint to a Conduct Officer to initiate the formal complaint proceedings described in Section VIII.
- d. Any member of the University community may submit allegations against any student for violation(s) regarding sexual harassment. Allegations shall be prepared in writing and directed to the Student Affairs Officer for his/her consideration of filing charges. The Student Affairs Officer shall then direct the allegation(s) to a Conduct Officer for investigation. Any allegation should be submitted as soon as possible after the alleged misconduct takes place, preferably within, but not limited to, seven (7) University business days after the misconduct occurred.
- e. The Conduct Officer shall conduct an investigation to determine if the allegation(s) have merit, determine if the allegations warrant a Conduct proceeding, and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis

acceptable to the Conduct Officer and the Complainant. Such disposition shall be final and there shall be no subsequent proceedings. The Conduct Officer shall have sixty (60) calendar days to conclude an investigation⁴ of the allegations, and may be permitted a longer period under extraordinary circumstances, but must inform both parties in writing of the extension of the timeline.

IV. Interim Actions

- a. “No contact” directives are to be issued in writing to persons involved in any alleged sexual assault promptly after the University receives notice of a complaint. Respondents and the Complainant will both be expected to abide by the terms of no contact directives and may go through disciplinary proceedings should they violate the directives.
- b. Students who have been sexually harassed or Complainants have access to other available University assistance in changing academic and living situations after an alleged incident, if so requested by the student or Complainant and if such changes are reasonably available. Accommodations to minimize burden on the student or Complainant may include:
 - i. Change of an on-campus student’s housing to a different on-campus location;
 - ii. Assistance from the University in completing the relocation;
 - iii. Arranging to end a University housing contract and/or adjusting a student account balance for refund;
 - iv. Rescheduling an exam, paper, or assignment;
 - v. Taking an incomplete in a class;
 - vi. Transferring between class sections;
 - vii. Temporary withdrawal;
 - viii. Alternative course completion options.
 - ix. Arranging to complete a course or lectures via distance education methods with the assistance of technology.
- c. Any student charged with sexual harassment has the right to maintain status as a student and attend classes while the case is pending final resolution within the University Conduct process, unless it is determined by the Student Affairs Officer or his/her

⁴ See DCL page 12. A maximum timeframe of 60 days for the initial investigation is allowed. This time frame is different and independent from University business days, and is not affected by closing of administrative offices, class schedules, or national holidays.

designee that the student's continued participation as a student, whether inside or outside of the classroom, would seriously disrupt normal operation of the University or constitute an immediate harm, threat of harm, hostile environment and/or danger to the health, safety, or welfare of the Respondent, the Complainant, any alleged victim, or any member of the University community.

- d. Pending completion of an investigation or University Conduct Proceedings, the Student Affairs Officer may at any time temporarily suspend a student when the Student Affairs Officer finds and believes from information coming to his or her attention that the presence of the Respondent on the University premises would seriously disrupt normal operation of the University or constitute an immediate harm, threat of harm, hostile environment and/or danger to the health, safety, or welfare of the Respondent, the Complainant, any alleged victim, or any member of the University community. The Student Affairs Officer should work with the appropriate Dean in making the decision to discontinue the Respondent's continued participation as a student prior to the completion of the formal proceedings.
- e. During the suspension described in this article, the Respondent may be denied access to any University premises, including classes, residence hall access, sporting events, and/or all other University programs, activities or privileges for which the student might otherwise be eligible, as the Student Affairs Officer may determine to be appropriate.
- f. If a student placed on interim suspension is ultimately found "not in violation" of the Code, such student shall be allowed, at the reasonable discretion of the appropriate faculty, to make up academic work missed while on suspension.

V. General Procedural Provisions

- a. The Conduct Officer, Conduct Board, and Appeals Board, in addition to allegations of sexual harassment, can hear any allegations of any other violations of the Student Code of Conduct committed by the Respondent that is directly related to the alleged sexual harassment. If the Conduct Officer, Conduct Board, or Appeals Board determines the Respondent violated other provisions of the Student Code of Conduct, they may impose proper sanctions.

- b. Any student involved in a Conduct proceeding has the right to confidentiality as mandated by the Family Educational Rights and Privacy Act of 1974 (FERPA) and implementing regulations.
- c. No process implemented by this Procedure shall be open to the public, including Administrative Resolutions, Conduct Board Hearings, and Appeals.
- d. In such cases when a student fails to appear before the Conduct Officer, Conduct Board, or Appeals Board, a plea of “not in violation” shall be entered on the Respondent’s behalf and the hearing may proceed as scheduled.
- e. In all cases, whether the Respondent is present or not, the evidence in support of the allegations shall be presented and considered.
- f. The Conduct Officer’s, the Conduct Board’s, or the Appeals Board’s determination of the merits of each case shall be made on a preponderance of the evidence standard, meaning it is more likely than not that the Respondent violated the Code.
- g. The burden of proof shall rest upon the Conduct Officer or Complainant bringing the charge. A Respondent is presumed not to be in violation of the Code until proven otherwise.

VI. Rights of the Complainant and the Respondent

- a. Both a Respondent and the Complainant have the right to see all charges in written form.
- b. Both the Respondent and the Complainant have a right to confidentiality during these proceedings to the extent possible. However, the duty of confidentiality does not preclude the University from conducting a meaningful investigation or reporting such incidents as required. The duty of confidentiality shall also extend to all persons involved in processing the complaint and the investigation. The Complainant has a right to anonymity only to the extent that the Complainant does not wish to file an official complaint with the University or does not wish the University to take any action against the Respondent in regard to the complaint.
- c. All charges shall be presented to the Respondent and the Complainant in written form by a University official or the Conduct Officer within seven (7) University business days after the investigation is complete.

- d. Both a Respondent and the Complainant have a right to prepare a written statement in advance of a hearing. Both parties will have the right to view each other's statement.
- e. The Complainant and the Respondent have the right to be assisted by any advisor they choose, including legal counsel, at their own expense.
 - i. The role of the advisor is limited in that they may only confer privately with the party they are representing and cannot directly address any other member for the Conduct proceeding. The only appropriate role for the advisor is to provide advice to the party who has requested his/her presence in a manner which does not disturb Conduct proceedings. If an advisor fails to act in accordance with these guidelines, he/she may be barred from the Conduct proceedings.
- f. A Respondent and the Complainant have the right to hear all evidence, present evidence, testify, and to hear and question witnesses.
 - i. Students will not be allowed to ask each other questions directly, but the questions shall be addressed to the Chair of the Conduct Board, who will determine if the question is appropriate, and then ask the witness
- g. A Respondent and the Complainant have the right to inspect all documents used as evidence and a list of all witnesses for the hearing in advance of the hearing.
- h. The Respondent may not be found to have violated the Code solely because the student failed to appear for a Conduct hearing or before a Conduct Officer.
- i. A Respondent and the Complainant have the right to be notified of the decision rendered.
- j. A Respondent and the Complainant have the right to request an appeal.

VII. Administrative Resolution Procedures

- a. Both the Complainant and the Respondent may elect to dispose of the claim administratively. This meeting will be scheduled not less

than three (3), nor more than fourteen (14) University business days after the Conduct Officer's investigation is complete. The Respondent may elect to acknowledge his or her actions and take responsibility, or the Respondent may deny responsibility but the Conduct Officer determines by an independent investigation that it was more likely than not the Respondent violated the Code. In either situation, the Conduct Officer could propose a resolution and an appropriate sanction. If both the Complainant and the Respondent agree to the proposed sanction, the complaint is resolved without a formal hearing and without any further rights of appeal to either party. Mediation shall not be used to resolve sexual assault complaints.

- b. If either the Complainant or the Respondent objects to the finding of liability or the proposed sanction, he or she may appeal the decision to the Conduct Board to determine liability and/or the proper sanction within seven (7) University business days of delivery of the decision to the Respondent or the Complainant.
- c. If the Conduct Officer determines it is more likely than not the Respondent did not violate the code, the Conduct Officer may decide to dismiss the complaint and not pursue a sanction. If both the Complainant and the Respondent agree to the dismissal, the complaint is resolved without any further rights of appeal to either party. If the Complainant objects, he or she may appeal that decision administratively to the Student Affairs Officer within seven (7) University business days, who will either affirm the Conduct Officer's determination, or refer the complaint to the Conduct Board. The Student Affairs Officer's decision will be final.

VIII. Student Conduct Board Hearings

- a. Both a Respondent and the Complainant shall have the right to attend a pre-hearing meeting to discuss the issues and facts that will be presented at the hearing, to exchange information about witnesses likely to be called, answer procedural questions, and settle those matters which may be agreeably concluded. The meeting will **not** be used to settle the issue of whether or not the violation was committed or to challenge any recommended sanctions. This meeting shall be held at least two (2) days prior to the scheduled Conduct Board hearing. Failure for either party to attend the meeting will not affect the parties' rights at the Conduct Board hearing.

- i. Students will be instructed about the use of past sexual behavior of the Complainant⁵ or past sexual assault by the Respondent⁶ as evidence at the hearing. In most situations, evidence of the past sexual history of either the Respondent or the Complainant will not be admitted at the hearing except in very limited situations.
- b. A time shall be set for a hearing, not less than three (3), nor more than fourteen (14) University business days after the Respondent and the Complainant have been notified that the complaint was appealed or referred to the Conduct Board. Maximum time limits for scheduling of hearings may be extended at the discretion of the Conduct Officer.
- c. Conduct Board hearings shall be carried out according to the following guidelines:
 - i. In cases where either University Suspension or University Expulsion are considered, the case shall be referred to a Conduct Board for an original hearing.
 - ii. The Conduct Board shall be composed of at least 3 members of the University community.
 - iii. Any real or perceived conflict of interest or bias between a member of the Conduct Board and the Respondent or the Complainant must be brought to the Conduct Officer's attention no less than two (2) University business days in advance of the hearing.
 - iv. The Respondent(s) and the Conduct Officer and/or the Complainant are responsible for presenting their respective cases to the Conduct Board.
 - v. The Respondent(s), the Complainant, and the Conduct Officer shall have the right to hear all evidence, present evidence, testify, and to hear and question witnesses.
 - vi. The Respondent, the Complainant, and the Conduct Officer shall have an opportunity in advance to inspect documents and a list of witnesses for the hearing no less than 2 University business days in advance of the hearing.
 - vii. Pertinent records, facts, reports, and statements may be accepted as evidence for consideration by a Conduct Board.
 - viii. All procedural and evidentiary questions are subject to the final decision of the Chair of the Conduct Board.

⁵ See Neb. Rev. Stat. § 27-412 (2010 Cum. Supp.) (relevance of alleged victim's past sexual behavior or alleged sexual predisposition).

⁶ See Neb. Rev. Stat. § 27-415 (2010 Cum. Supp.) (evidence of crimes in sexual assault cases; civil case).

- ix. After the hearing, the Conduct Board shall determine by simple majority vote whether or not the student is found to be “in violation” because sexual harassment occurred or of other violations of the Code. The decision shall be based solely upon evidence introduced and received at the hearing.
 - x. [The Conduct Board shall select its own Chair with all members possessing voting privileges.]
 - xi. [In hearings involving more than one Respondent, the Chairperson of the Conduct Board, in his or her discretion, may permit the hearings concerning each student to be conducted separately.]
- d. There shall be a single verbatim record, such as a sound recording, of all hearings before a Conduct Board. The record shall be the property of the University.
 - e. In each case in which a Conduct Board determines that a Respondent has violated the Code, the sanction(s) shall be determined and imposed by the Conduct Board.
 - f. Within seven (7) University business days following the hearing, the Conduct Board shall inform the Respondent, the Complainant, and the Conduct Officer, in writing, of its findings and of the sanction(s) imposed, if any.
 - g. The Conduct Officer and the Conduct Board may seek advice from the University’s Office of the General Counsel throughout the hearing process on questions of law and procedure. However, the Conduct Board is responsible for making its own factual conclusions.

IX. Conduct Sanctions Against Individual Student:

- a. The following sanction(s) may be imposed upon any individual student found to be “in violation” of the Code.
 - i. Warning: A formal, written notice that the student is violating, or has violated, one or more University Conduct Rules and Regulations and that a continuance of the misconduct may lead to additional disciplinary action. Also, that the incident has been documented and shall remain in the student’s Conduct file for the remainder of their University career.
 - ii. Probation: A formal, written reprimand for a student’s violation(s) of specified University Conduct Rules and Regulations. This probation, including strict campus

conduct guidelines, is for a designated period of time and may remain in effect for the remainder of a student's University career. It includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any University Conduct Rules and Regulations during the probationary period.

- iii. Loss of Privileges: Denial of specified privileges for a designated period of time.
 - iv. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary, and/or material replacement.
 - v. Discretionary Sanctions: In accordance with the goal of education and assisting students with conduct problems, this may include work assignments, educational requirements, service to the University or local community, parental notification, or other related discretionary assignments (such assignments must have the prior approval of the Conduct Officer). Any costs associated with the assignment are the responsibility of the student.
 - vi. Residence Hall Relocation: Moving a student from one room to another and/or one residence hall to another.
 - vii. Residence Hall Suspension: Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - viii. Residence Hall Expulsion: Permanent removal of the student from any and all of the residence halls. Student may not re-enter the residence halls, under any conditions, even as a visitor. Students expelled from the residence halls remain liable for all Residential and Greek Life costs and meal plan fees and may not be eligible for refunds for the full occupancy period of the student's housing contract.
 - ix. University Suspension: Separation of the student from the University for a definite period of time, after which the student may be eligible for return, contingent upon meeting specified conditions for re-admittance. The student must satisfactorily demonstrate to the Student Affairs Officer that all conditions for re-admittance have been met before the student will be allowed to matriculate.
 - x. University Expulsion: Permanent separation of the student from the University, without the possibility of re-admission.
- b. More than one of the sanctions listed above may be imposed for any single violation.

- c. If a student fails to abide by one or more of the sanctions imposed, a hold may be placed on his/her registration account until satisfactory progress is made towards completion.
- d. Other than University expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential disciplinary record.
 - i. After graduation, and upon application to the Conduct Officer, the student's confidential disciplinary record may be expunged of disciplinary actions other than residence-hall expulsion, University suspension, or University expulsion.
 - ii. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, or University expulsion, shall be expunged from the student's confidential record seven (7) years after graduation, final disposition of the case, or as otherwise authorized or required by law.

X. Appeals

- a. A decision and/or sanction(s) reached by the Conduct Board may be appealed by the Respondent or the Complainant within seven (7) University business days of delivery of the decision to the Respondent or Complainant.
- b. Appeals shall be in writing and shall be delivered to the Student Affairs Officer.
- c. Upon the filing of an appeal, whether from an Officer Hearing or Conduct Board, the Student Affairs Officer shall appoint an Appeals Board to consider the appeal.
- d. Upon receipt of an appeal, a time shall be set for a hearing, normally not less than three (3), nor more than fourteen (14), University business days after the appeal notice has been received, unless waived by mutual consent of the Respondent, the Complainant, and the Conduct Officer. Maximum time limits for scheduling of hearings may be extended at the discretion of the Appeals Board.
- e. Appeals may be filed for one or more of the following purposes:
 - i. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the

complaining party a reasonable opportunity to prepare and present evidence that the Code was violated, and giving the Respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations.

- ii. To determine whether the decision reached regarding the Respondent was based on the evidence, that is, whether the evidence presented was sufficient to establish that it was more likely than not that a violation of the Code occurred.
 - iii. To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing or could not have been discovered by the person.
 - iv. To determine whether the sanction(s) imposed are appropriate for the violation of the Code, which the student was found to have committed.
- f. An appeal that does not clearly raise in writing one or more of the issues listed above shall be dismissed without further consideration.
- g. In cases citing issues raised in Section X(c)(iv) of this Code/Procedure, by students found to have violated the Code, review by the Appeals Board of the sanction(s) imposed by the Conduct Officer or Conduct Board shall not result in more severe sanction(s) for the Respondent.
- h. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the initial hearing and supporting documents.
- i. Appeals Board hearings shall be carried out according to the following guidelines:
- i. The Appeals Board shall be composed of 3 members of the University community.
 - ii. The Appeals Board shall select its own chair, with all members possessing voting privileges.
 - iii. Hearings shall not be open to the public.
 - iv. Members of the Appeals Board shall not have been members of the original Conduct Board who heard the facts and incidents of the case at hand.
 - v. In hearing an appeal, the Appeals Board's scope shall be limited to only those issues directly raised in the written appeal.

- vi. The Appeals Board may ask the Respondent or Complainant making the appeal and the Conduct Officer to make an oral presentation. The board may then ask questions of both parties.

- j. The Appeals Board shall complete its review of the appeal normally within fourteen (14) University business days after its hearing, and shall promptly issue its written decision to the Respondent, the Complainant and the Conduct Officer.