

## **2019-2020 Community Standards**

### **Student Code of Conduct Policy**

#### **21. Sexual and Gender Based Misconduct**

For purposes of this section, “consent” is defined as an affirmative indication by words and/or actions of a voluntary agreement to engage in the particular sexual act or conduct in question. Consent for one sexual act or conduct does not constitute consent to all sexual acts or conduct. Consent can be withdrawn at any time, and once withdrawal of consent has been expressed, sexual activity must cease. Consent cannot be obtained through the use of force, threat, intimidation, or coercion. Silence or absence of resistance on the part of an individual does not constitute the individual’s consent. Consent cannot be given by someone who is incapacitated due to consuming drugs or alcohol or for any other reason (including but not limited to being unconscious, asleep, or otherwise unaware that sexual activity is occurring). Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). While incapacitation may result from the use of alcohol and/or drugs, incapacitation is a state beyond drunkenness or intoxication. Incapacitation may also exist because of a physical, mental or developmental disability. The question of incapacitation will be examined objectively from the perspective of the respondent i.e. whether a reasonable, sober person in place of the respondent should have known the condition of the complainant based on the apparent indications of incapacitation, which may include, but are not limited to, acting confused or incoherent, difficulty walking or speaking, and vomiting.

##### **a. Sexual and/or Gender-Based Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests, and other verbal, written, or physical conduct of a sexual nature when submission to or rejection of such conduct is a condition or basis for employment or educational decisions affecting the individual, or which is sufficiently severe, pervasive, and objectively offensive as to have the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile, or offensive educational or work environment.

##### **b. Sexual Exploitation**

Sexual exploitation means taking non-consensual or abusive sexual advantage of another person for one’s own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited. Examples include but are not limited to non-consensual photography, video, or audio recording of sexual images or activity, distributing images of sexual activity without consent, allowing others to observe a consensual sexual act without the prior knowledge or consent of all involved parties, and voyeurism.

##### **c. Sexual Assault**

Sexual assault includes any sexual act or sexual contact without consent, including intercourse; oral sex; unwanted touching of an intimate body part of another person, such as sexual organs, buttocks, or breasts; or an attempt of any of the above. Rape is a type of sexual assault. This description of prohibited sexual acts and conduct is not intended to be inclusive of all conduct that could fall within this category. It is the intent of this policy to provide notice that any unconsented sexual contact, whether by a stranger or an acquaintance of the recipient, is prohibited.

##### **d. Domestic Violence**

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of a person by a person with whom they share a child in common, by a person who is cohabitating with or has cohabitated with them as a spouse, by a person similarly situated to a spouse of theirs under the domestic or family violence laws of Maryland, or by any other person against an adult or youth person who is protected from that person’s acts under the domestic violence laws of Maryland.

##### **e. Dating Violence**

Dating violence encompasses a broad range of behaviors, including sexual assault, physical abuse, and other forms of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant and where the existence of such a relationship is determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

##### **f. Stalking**

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. A “course of conduct” means two or more acts, including acts in which the stalker directly, indirectly, or through third parties follows, pursues, interferes with the safe environment of, monitors, observes, surveils, threatens, or communicates to or about a person in a way prohibited or that interferes with a person’s property. Stalking may be conducted through any method, action, device or means. Substantial emotional distress means significant mental suffering or anguish.

### **Preventing Sexual Misconduct**

As members of the University community, students are expected to respect the rights, dignity, and personhood of others. The University encourages students to understand the expectations governing sexual contact (including intercourse) between persons. Melissa Lees serves as the Sexual Violence Prevention, Education, and Response Coordinator and is available to meet with survivors of sexual misconduct. She also offers prevention and bystander intervention programs throughout the academic year. The Counseling Center provides qualified professionals who can help students clarify their feelings about sexuality and intimacy and help students develop assertiveness skills that may be useful in managing potentially difficult situations. The Counseling Center staff provides direct service and referrals for survivors of sexual misconduct. Additionally, the University has formalized agreements with local law enforcement and designated rape crisis centers governing interactions between the University and those organizations surrounding incidents of sexual misconduct.

Educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking are offered at New Student Orientation, in new employee orientation, in the residence halls, and on campus throughout the academic year. Such prevention and awareness programs include a statement that the University prohibits all forms of sexual misconduct, definitions of various types of sexual misconduct and of consent, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.

### **Reporting Sexual Misconduct**

Allegations of sexual misconduct on University property, at a University-sponsored event regardless of location, or in the administration of any of Loyola’s educational programs or activities should be reported to one of the following individuals:

#### **Title IX Coordinator for the University:**

Kathleen Parnell, Assistant Vice President for Human Resources  
5000 York Road  
410-617-1350  
[kparnell@loyola.edu](mailto:kparnell@loyola.edu)

#### **Title IX Deputy for Students:**

Katsura Kurita, Assistant Vice President for Student Development  
110 Jenkins Hall  
410-617-5646 (direct)  
[kkurita@loyola.edu](mailto:kkurita@loyola.edu)

#### **Title IX Deputy for Faculty, Staff, and Administrators:**

Karen Feeley, Director of Employee Engagement  
5000 York Road  
410-617-1345  
[kafeeley@loyola.edu](mailto:kafeeley@loyola.edu)

#### **Title IX Deputy for Public Safety and Crimes:**

Adrian Black, Director of Public Safety  
5104 York Road  
410-617-2863

[abblack@loyola.edu](mailto:abblack@loyola.edu)

Reports of sexual misconduct also can be made to any “responsible employee,” defined as any University administrator, staff with supervisory responsibilities, faculty member, campus police, athletic coach, athletic trainer, or resident assistant who has the authority to take action to redress the sexual misconduct. Campus Police and the student life on-call staff can be reached at 410-617-5010. A report of alleged sexual misconduct against a student at the University may be made by any member of the University community, guests, visitors and other third parties by contacting Katsura Kurita, Title IX Deputy for Students, or their designee, in room 110 Jenkins Hall, calling (410) 617-5646 or emailing at [kkurita@loyola.edu](mailto:kkurita@loyola.edu). The University encourages all members of the community to report sexual misconduct, whether or not they are the person who allegedly experienced a violation of this policy. When a person other than complainant makes a report, the Title IX Deputy for Students (or designee) will contact the complainant to discuss the report and whether they wish to proceed with an investigation.

Reports can also be made anonymously using the methods outlined below. It should be noted that the University’s ability to investigate or act upon anonymous reports may be limited.

Anonymous reporting methods:

- Anonymous Information Form, found at <https://www.loyola.edu/departments/public-safety/anonymous-information-form>
- EthicsPoint, found at <https://secure.ethicspoint.com/domain/media/en/gui/18799/index.html>
- Bias Related Behaviors Report, found at [www.loyola.edu/reportbias](http://www.loyola.edu/reportbias)
- Sexual Violence, Relationship Violence or Stalking Report found at [https://cm.maxient.com/reportingform.php?LoyolaUnivMD&layout\\_id=4](https://cm.maxient.com/reportingform.php?LoyolaUnivMD&layout_id=4)

To initiate the procedures set forth below, the following information is requested as part of the report: Name(s) of student(s) alleged to have violated the sexual misconduct policy (student code of conduct) and a clear statement explaining the date, time, and location including the nature and circumstances of the incident. It is important to provide as much information as possible as this report will serve as a basis for investigation. The report will be shared with the respondent, investigator, hearing panel members, administrators who oversee the student conduct process, and the Title IX Deputy for Students (or designee), among others, and a copy will be provided to the complainant.

The respondent and complainant (and reporting party, if different from the complainant) will be provided with a written explanation of their rights and options which, in addition to the information described in this section, will include information about legal service organizations and referral services available to the students. Students who report sexual misconduct, or participate in an investigation as witnesses, will not be subject to disciplinary action for their own personal involvement with alcohol and/or other drugs at or near the time of the incident, unless the involvement was reasonably likely to place the health or safety of another individual at risk. The University may initiate an educational discussion or pursue other educational remedies regarding the alcohol and/or other drugs.

The University encourages any student who has experienced domestic violence, dating violence, sexual assault, or stalking to consult their parents/guardians and to report the incident to the Baltimore City Police. The director of public safety (or their designee) can assist the complainant in contacting the appropriate law enforcement officials and in working with these officials to pursue criminal charges against the respondent. Complainants also have the option to decline to notify law enforcement authorities. Protective orders and peace orders may be sought through the court system. Baltimore City Police can be reached by calling 911.

If you have experienced sexual misconduct but do not want to report it for investigation, you may meet with Melissa Lees, the Sexual Violence Prevention, Education, and Response Coordinator, and/or a counselor or psychologist in the Counseling Center. Melissa Lees can be reached at 410-617-6769. The Counseling Center can be reached at 410-617-2273. Reports made to a licensed counselor, clergy acting in their pastoral role, a treating health care provider, or the Sexual Violence Prevention, Education, and Response Coordinator are confidential and will not be reported for investigation without your permission unless an imminent threat exists. The Student Health Center can be reached at 410-617-5055. If you would like to seek counseling assistance off campus, you may contact TurnAround 24 hours a day at 443-279-0379, House of Ruth 24 hours

a day at 410-889-7884, or the Sexual Assault /Domestic Violence 24-hour hotline for Baltimore and Carroll Counties at 410-828-6390.

Students are encouraged to seek medical assistance in cases of sexual assault. Upon request, campus police will provide transportation to Mercy Hospital, designated as one of the city's rape treatment centers. This hospital is equipped to perform the Sexual Assault Forensics Exam (SAFE) and provide victim services. It is important to preserve evidence for proof of a criminal offense if charges may be filed.

The Title IX Deputy for Students (or designee) will take actions deemed necessary to protect the emotional well-being of the individuals involved in cases of sexual misconduct, as well as the educational environment of the University community. These interim measures may include but are not limited to: counseling, no contact order, relocating residence hall assignments, restricting access to certain campus buildings, changes to class schedules, assistance with rescheduling an academic assignment (paper, exam, etc.), tutoring support, changes to work schedules/situations, transportation assistance and escorts to and from campus locations, interim suspension for the respondent, and other measures for safety as necessary.

The University understands that some complainants may seek confidentiality with respect to a report of sexual misconduct, including requesting that they not be identified to the respondent. Due to the usually private nature of these actions and the need to ensure a fair process for all involved, the University may not be able to pursue charges of sexual misconduct unless the complainant is willing to be identified. However, in cases where there is a witness to the alleged violation, or in cases where pursuing the case is necessary to protect the University community, the University reserves the right to pursue a case to its conclusion. If the complainant requests confidentiality or that a report not be pursued, the University will evaluate the request for confidentiality in light of its obligation to maintain a safe campus environment for all. While rare, the University may determine that the complainant's request for confidentiality cannot be complied with fully.

### **Procedures for Adjudicating Charges of Sexual Misconduct**

The University's procedures provide for prompt, fair, equitable, and impartial investigation and resolution of all reports of sexual misconduct. These procedures will allow for all parties to be heard. Complaints regarding alleged violations of the sexual misconduct policy can be resolved informally or formally. All participants will be treated with dignity, respect, and sensitivity.

#### **1. Informal Resolution**

Informal resolution is a process whereby trained staff provide remedies and interventions, at the request of the complainant, which may serve to address the alleged conduct without proceeding to an investigation and adjudication. Reports of sexual assault may not be resolved through mediation or informal resolution. Neither party is required to accept responsibility for the alleged conduct in order to proceed with an informal resolution. All parties to the complaint must agree to use of informal resolution, and either party may decide not to proceed with or to end informal resolution in favor of formal resolution at any time. The Title IX Deputy for Students or designee has the discretion to determine whether a complaint is appropriate for an informal resolution and retains discretion to terminate an ongoing informal resolution process at any time. The purpose of an informal resolution is to take appropriate action to address and remedy the alleged behavior, its effects, and/or the complainant's concerns short of the formal resolution process, such as by imposing individual and community interventions and remedies designed to maximize the complainant's access to educational, extra-curricular, and/or employment activities at the University; and/or to address the effects of the respondent's alleged conduct on the larger University community. Any combination of interventions and remedies may be utilized, including but not limited to:

- Increased monitoring, supervision, and/or security at locations or activities where the alleged conduct occurred or is likely to recur;
- Targeted or broad-based educational programming or training for relevant individuals or groups;
- Academic modifications;
- Completion of projects, programs, or requirements designed to help the respondent manage behavior, refrain from engaging in prohibited conduct, and understand why the prohibited conduct is prohibited;
- Compliance with orders of no contact that limit access to specific college buildings or areas or forms of contact with particular persons;

- Restorative practices, including facilitated conversations and apologies

The imposition of remedies or interventions obtained through an informal resolution may be achieved by an agreement acceptable to the parties and University. The Title IX Deputy for Students or designee will facilitate the development of this agreement. In such cases where an agreement is reached, and the terms of the agreement are implemented, the matter will be considered resolved and closed. Agreements reached through informal resolution are considered final, and cannot be referred for formal resolution, except if the respondent fails to satisfy the terms of the agreement. In such cases, or where an agreement is not reached and the complainant wishes to proceed with formal resolution or the Title IX Deputy for Students or designee determines that further action is necessary, the matter may be referred for a formal resolution. Where the complainant, respondent, and the University have reached an informal resolution agreement, the parties will be provided with a written copy of the agreement. Accepting an informal resolution does not mean that the respondent admits responsibility; nor does it mean that there has been a finding of a policy violation. The Title IX Deputy for Students or designee will maintain all records of matters referred for informal resolution.

## **2. Formal resolution**

Investigations and hearings will be conducted by officials who have received annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of participants and promotes accountability. Actions by the police or criminal courts do not in any way preclude the University from pursuing charges through the University's student conduct system. Similarly, pursuit of charges through the student conduct system does not preclude the pursuit of criminal charges. In cases where law enforcement directs the University to suspend its investigative efforts, the University will cooperate with all investigative efforts and will promptly resume its own investigation or adjudication of the case when permitted to do so

The complainant and respondent will be notified of the date, time and location of each hearing, meeting, or interview that the student is required or permitted to attend and shall have the right to be accompanied by no more than two people, including a personal supporter of the student's choice, an attorney, or an advocate. The timeframe for conducting the investigation is usually 60 University business days. The timeframes for the hearing panel proceedings and any appeal(s) are set forth below. Each of these deadlines may be extended for good cause. The University will notify the parties when a delay is anticipated. While the University works with all parties involved in scheduling meetings throughout the process, repeated delays in the process, including requests to reschedule meetings or hearings, and scheduling conflicts with advisors and/or support persons may not be accommodated.

The Title IX Deputy for Students will provide the complainant and respondent with timely written notice of the reported violation, including the date, time and location of the alleged violation, the type of sexual misconduct alleged, the conduct allegedly constituting the violation, the range of potential sanctions associated with the alleged violation, and the rights and responsibilities under this policy and regarding other civil and criminal options. The Title IX Deputy for Students (or their designee) will designate an investigator and coordinate the logistics of the investigation process. The complainant and respondent shall have the right to submit to the investigator evidence, witness lists, and suggested questions for witnesses. At the conclusion of the investigation, the investigator shall prepare a written report summarizing and analyzing the evidence, including both evidence indicating the alleged behavior occurred or did not occur. Either party may access evidence discussed in the investigation report but not included in the investigation report by contacting the Title IX Deputy for Students or designee. The complainant and respondent will receive the investigative report and may submit a written response to the Title IX Deputy for Students (or their designee) within five University business days. The Title IX Deputy for Students (or their designee) will provide the written response to the Office of Student Conduct to be included in the materials reviewed by the hearing panel. Each party's written response, if any, will be shared with the other party. Based on the investigation and the parties' responses, if any, the Office of Student Conduct may schedule a sexual misconduct hearing panel, usually within 15 University business days following receipt of the investigative report and parties' responses from the Title IX Deputy for Students (or their designee).

All hearings, also known as proceedings, involving sexual misconduct will be conducted in accordance with the normal rules and procedures of the student conduct process with special sensitivity to the nature of the charges and the best interests of all parties involved. All participants are expected to maintain confidentiality regarding the proceedings, except that the complainant and the respondent may not be required to maintain

confidentiality as to the outcome of the proceedings and any directives regarding confidentiality shall not impede the parties' ability to obtain and present evidence or otherwise support or defend their interests. In recognition of the unique nature of sexual misconduct cases, the procedures specified in this section supersede any conflicting provisions of the University student conduct process.

i. The sexual misconduct hearing panel will be comprised of one faculty member, one administrator, and the Director of Student Conduct (or their designee). All panel members will receive special training on sexual misconduct cases. Both the complainant and the respondent will receive the list of potential hearing panel and appeal panel members and will have one University business day to request removal of any member who they believe could not be objective toward them based on previous interactions. A request for removal must state with specificity the grounds for removal. The Dean of Students (or their designee) shall review the merits of a request for removal, including discussing with the challenged panel member(s) whether the member(s) could serve objectively. The Dean of Students (or their designee) shall make the final decision regarding removal.

ii. If, in the judgment of the Director of Student Conduct (or their designee), the timing of the proceedings precludes the participation of a faculty member, the Director of Student Conduct (or their designee) and a University administrator will serve as hearing officers for the case.

iii. The respondent and complainant may each have no more than two people, defined as advisors, present throughout the entire process. The advisor may be a personal supporter of the student's choice, a licensed attorney, an advocate, or an advocate supervised by an attorney. The advisor may attend hearings, meetings, and interviews with the complainant or respondent, consult privately with the complainant or respondent during hearings, meetings, and interviews, except when such consultations during questioning of the student they are advising at a hearing are deemed disruptive by the hearing chair, and assist the student they are advising with the exercise of any right during the proceedings. The advisor is not allowed to address the investigators, address the hearing panel, or question witnesses. The advisor cannot serve as a witness. Both the complainant and the respondent can have an advisor of choice, which can include parents, attorneys, or others who are not full-time members of the University community. Disruptive advisors will be removed from the process, and the process will continue. Students are required to notify the Office of Student Conduct as soon as they have identified their advisors, but in any event, at least one University business day in advance of the hearing date if a student plans to bring advisors. Advisors can request an outline of their role and expectations for their participation in the student conduct process. Student complainants and respondents may access attorneys paid for by the Maryland Higher Education Commission (MHEC) or who agree to participate on a pro bono (without charge) basis. Information regarding accessing counsel through MHEC can be found on the MHEC website, <https://mhhec.state.md.us>. Students may knowingly and voluntarily choose not to have counsel. Counsel may not be available through MHEC for complaints involving allegations of sexual and/or gender-based harassment only.

iv. Under Title IX, both the respondent and complainant have a right to similar and timely access to information that will be used at the hearing. The hearing materials, or instructions for how to view certain materials, normally will be distributed to the parties and the members of the hearing panel five University business days prior to the hearing.

v. The respondent and the complainant each have the right to bring fact witnesses to the hearing to testify on their behalf. There is no limitation placed on the number of fact witnesses; however, students are required to notify the hearing officer of the names of witnesses attending the hearing at least one University business day in advance of the hearing. In the event that a fact witness cannot attend a hearing, the fact witness may email or personally deliver a signed written statement directly to the hearing officer in advance of the scheduled hearing. Students also may submit up to two character witness statements in writing to the Office of Student Conduct at least one University business days prior to the hearing.

vi. The hearing will begin with the panel chair going over again the rights and responsibilities for the parties, and then reading the charges against the respondent. The respondent will have the opportunity to present a

brief statement to the panel and respond to questions from the panel. The complainant will then have an opportunity to present a brief statement to the panel and respond to questions from the panel. Either party may choose to present their testimony outside of the presence of the other party, but the non-testifying party will be able to participate and hear the testimony remotely. The parties have the right to listen to all testimony given during the hearing, if they so choose. The panel will then call witnesses and has the ability to recall the parties and any witness for clarification. The complainant has the right to provide a written impact statement, due prior to the start of the hearing in a signed, sealed envelope given to the panel chair, that describes how the incident has affected them. The impact statement is reviewed by the hearing panel only if a determination of responsibility is made and before a sanction is determined. If an impact statement was submitted and reviewed by the hearing panel, a copy will be provided to the respondent with the decision letter.

vii. Statements or questions regarding the past sexual history of the respondent or complainant generally may not be presented as evidence during the hearing except as they relate to the past sexual history between the respondent and complainant, to prove the source of an injury, to prove prior sexual misconduct, to support a claim that a student has ulterior motive, or to impeach a student's credibility that that student has put their own prior sexual conduct at issue. The hearing panel chair will determine if the evidence presented is germane to the case and will be allowed. Evidence regarding a student's medical history, including mental health counseling, treatment or diagnosis, may not be presented without that student's consent.

viii. The panel will make findings of fact and determinations using a preponderance of evidence standard. If the panel determines that the respondent is responsible for a violation of this policy, the panel will decide the appropriate sanctions in accordance with the Student Code of Conduct. Drug or alcohol use by the respondent is not a defense to a charge of sexual misconduct and will not be considered a mitigating factor in assessing an appropriate sanction. Violations of the sexual misconduct policy are serious and the range of sanctions includes the following: written reprimand, fine, restitution, educational project, alcohol and drug screening/education/treatment, civility hours, parental/guardian notification, restricted access or privileges, senior week restrictions, loss of room selection privileges, relocation to another residence, restricted contact, social restrictions, residence hall probation, disciplinary probation, deferred suspension from the residence halls, deferred suspension from the University, suspension from the residence halls, suspension from the University, expulsion, student development assessment and evaluation, periodic drug testing, postponement of activity participation and conferring of honors and degrees, mentoring with an administrator, Jesuit reflection, athletics department notification, core advisor notification, restorative practices referral, and continuation/modification of interim measures.

ix. The respondent and the complainant will be informed concurrently in writing of the outcome of the hearing, also known as the result, normally within ten (10) University business days. Both parties will receive written notice of any sanctions imposed on the respondent, except that in cases of non-violent sexual harassment the complainant will only receive notice of any sanctions that relate directly to the complainant. The result must also include the rationale for the result and the sanctions.

x. The complainant and the respondent each have the right to appeal the hearing panel's decision and/or the sanction to the University Board on Discipline. In cases where appeals are submitted by both parties, both appeals will be considered together by the same board. If only one party appeals, the other party has the right to attend the hearing and participate. Unless indicated otherwise in the original decision letter, the typewritten appeal should be submitted via email or in person to the Dean of Students in Jenkins Hall 105. The appeal must be submitted within five University business days of receipt of the decision letter of the hearing panel. If a party does not appeal the hearing panel's decision within this time period, they have waived a right to appeal. An appeal must be based upon one or more of the following grounds:

- The party alleges that their rights to a fair hearing were violated.
- The party alleges that new evidence that was not available for the original hearing might impact the decision of responsibility or determination of sanction.

➤ The party alleges that the sanctions imposed are grossly disproportionate to the findings of responsibility.

The burden is on the student to provide support in the appeal letter for the asserted grounds. The Dean of Students (or their designee) shall determine whether the student has provided sufficient support for each asserted ground. Failure to follow the guidelines or to provide sufficient support for the asserted grounds will result in the Dean of Students (or their designee) determining that only certain asserted grounds should be submitted for review by the University Board on Discipline or that the appeal should be dismissed without further proceedings.

When an appeal letter is accepted, the other party will be given a copy of the appeal letter and the opportunity to submit a written response within five University business days.

No panel members who were involved in the original hearing will serve on the University Board on Discipline for the appeal. For appeals in sexual misconduct cases, the Board is comprised of at least one faculty member and up to two University administrators. The University reserves the right to have a modified board hear the appeal when circumstances warrant it.

For appeals based on the party alleging that the sanctions imposed are grossly disproportionate to the findings of responsibility, the board may only affirm, reduce, or increase the sanctions assigned by the original hearing panel. For appeals based on other grounds, the University Board on Discipline that hears the appeal can take the following actions: affirm the original decision of the hearing panel, affirm the original decision of responsibility for some or all of the charges and change the sanction (sanction may be reduced or increased), reverse the original decision of responsibility for some or all of the charges, or remand the matter to the original hearing panel for further consideration. Upon remand, if the original hearing panel affirms its prior decisions regarding responsibility and sanctions, the University Board on Discipline shall continue its review and render a decision on the original appeal(s). If the original hearing panel reverses or modifies its original decisions regarding responsibility and/or sanctions, each party shall have a right to appeal to the University Board on Discipline.

xi. Except in cases involving the discovery of new evidence, the Board may consider, as appropriate given the grounds for appeal, the hearing record, the appeal letter and response, and the decision and rationale of the hearing panel. The Board may meet with the student who is making the appeal and the original hearing officer. The other party may attend such meeting(s), but is not required to do so. In cases where the appeal is based in whole or in part on a claim of newly discovered evidence, the Board will first determine if the offered evidence was not known at the time of the hearing and if it might impact the decision of responsibility or determination of sanction. If the Board determines that the evidence was not known at the time of the hearing and that it might impact the decision of responsibility or determination of sanction, the Board will remand the case to the original hearing panel for review and the panel will issue a new decision letter taking into account the newly discovered evidence.

xii. The Board's decision will be communicated concurrently in writing to both the respondent and the complainant, normally within five University business days of the appeal hearing. The decision of the University Board on Discipline is final, and no further appeal is permitted by either party.

#### Retaliation

Any retaliation, reprisal, or intimidation, including by an individual or by the institution, directed toward anyone as a result of reporting or participating in an investigation or adjudication of alleged sexual misconduct is strictly prohibited. Any incidents of retaliation should be reported immediately to Student Life, Student Conduct, or the Title IX Deputy for Students and are considered a serious violation. Allegations of retaliation are handled in accordance with the normal rules and procedures of the student conduct process, and students alleged to have violated this policy may be charged with 17. Retaliation.