

# UNIVERSITY OF ILLINOIS SPRINGFIELD

## STUDENT CONDUCT CODE

### ***I. STATEMENT OF APPLICABILITY:***

This Code is applicable to all persons enrolled in University of Illinois Springfield (UIS) classes. It covers disciplinary action initiated or taken against a student. Disciplinary action may be initiated for proscribed conduct occurring on property owned or controlled by UIS or conduct in the course of participating in a UIS-sponsored program or activity. Disciplinary action may also be initiated for online and off campus conduct that adversely affects the UIS community. Further, disciplinary action under this Code may be initiated for proscribed conduct irrespective of whether separate criminal proceedings concerning the same conduct are brought against the student by federal, state or local law enforcement authorities. Actions initiated by a faculty member for academic integrity such as cheating and/or plagiarism are within the purview of the Academic Integrity Policy (not covered in The Student Conduct Code).

The success of this Code depends in large part upon its ability to protect the privacy of all parties involved. The procedures contained herein are to be implemented with the expectation that members of the UIS community will respect the privacy of the process and adhere to the requirements of the Family Education Rights and Privacy Act (FERPA).

### ***II. PROSCRIBED CONDUCT:***

The following categories of conduct are specifically prohibited and may form the basis for disciplinary action:

- A. Violence, the threat of violence, harassment, or intimidation directed against another person or persons.
- B. The intentional obstruction or interference with any person's right to attend or participate in any UIS activity, program or function.
- C. Hazing, which includes causing or encouraging others to cause physical or mental discomfort or injury, embarrassment or ridicule of another for the purpose of initiation, admission, affiliation or as a condition of continued membership in a group or organization.
- D. Unreasonable obstruction or disruption of teaching or other UIS activities.
- E. Unauthorized possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons on UIS property in contravention of federal, state, or local law or UIS regulations.

- F. Trespass, intentional property damage, or theft.
- G. Use, possession or distribution of alcoholic beverages by or to underage persons or controlled substances on UIS property in violation of federal, state, or local law or UIS regulation.
- H. Intentionally making false fire alarms or bomb threats; tampering with fire extinguishers, alarms or safety equipment; refusing to follow directions to evacuate a building as directed during any emergency condition.
- I. Falsification, forgery, alteration or misuse of documents, records or identification or otherwise providing false or misleading information to a member or agent of UIS acting in the performance of their duty.
- J. Unauthorized use of UIS's name, finances, materials, facilities and supplies (including stationery bearing UIS's letterhead.)
- K. Interference or attempted interference with the administration of this Code, such as the initiation of a grievance or complaint knowing that the charge was false, intimidation or bribery of hearing participants, acceptance of bribes, dishonesty or disruption of proceedings and hearings.
- L. Falsification of information provided for official university business
- M. Acts in violation of Board of Trustees (BOT) and/or University and/or UIS policies, regulations or rules. These include, but are not limited to:
  - 1. Human Rights Policy
  - 2. Sexual Misconduct Policy
  - 3. Alcoholic Beverages Policy
  - 4. Drug-Free Workplace Policy
  - 5. Student Housing Policy
  - 6. Student Employment Policy
  - 7. Parking Regulations.
  - 8. Tobacco-, Vape- and Cannabis-Free Campus Policy

### ***III. INITIATION OF DISCIPLINARY PROCEEDINGS:***

An attempt should be made to resolve matters informally through discussion between the parties involved unless informal resolution would be inappropriate (e.g., cases involving sexual misconduct and/or violence). The Vice-Chancellor of Student Affairs (VCSA) or their designee may also be called upon by one or more of the parties to facilitate informal resolution. If matters cannot be resolved informally to the satisfaction of all parties, or if the parties choose to forego attempts of informal resolution, the formal procedures set forth in this Code shall apply.

The Sexual Misconduct Policy supplements this Code for cases of suspected sexual misconduct. The Code procedures for addressing Title IX sexual harassment complaints (see Part B of the Sexual Misconduct Policy) are set forth in Appendix A. For sexual misconduct complaints arising under other laws, regulations, and policies (see Part C of the Sexual Misconduct Policy), the Dean of Students or designee shall forward the report of investigation, together with any written responses submitted by the parties, to the Chair of the Executive Panel of the Student Hearing Board for resolution pursuant to the procedures set forth in sections IV, V, and VI.

Nothing in this Code shall preclude a UIS administrator, faculty member or staff member from taking appropriate and immediate action in matters involving a student. When the action involves the interim suspension or removal from UIS of a student for misconduct for an alleged violation of the Code, the UIS Chancellor or their designee must first determine that the alleged violator may present a threat of danger to themselves or others at UIS or impedes the orderly conduct of UIS.

#### **A. Filing Disciplinary Charge:**

With the exception of allegations regarding a violation of the Sexual Misconduct Policy, the charging party shall file a written disciplinary charge with the Dean of Students (DOS) or designee within 10 days of the contested action, of the date the activity became known to the charging party, or of the date that informal efforts at resolution are ended. The charge should contain as much of the following information as possible. The remaining information must be submitted in writing as soon thereafter as possible. Formal UIS documentation (e.g. Maxient report, Police report) may suffice for the written charge.

1. The name, office, address, and office telephone number of the person who is bringing the charge.
2. The student's name and address.
3. Description of the disciplinary infraction charged.
4. Date of alleged infraction.
5. If a BOT/University policy/UIS policy, regulation or rule is at issue, a specific reference should be made to it, if known.
6. A statement of the harm suffered.

7. A statement of the remedy sought (if applicable).
8. The names and addresses, if known, of proposed witnesses.
9. Copies of supporting documentation, if any.

B. Transmission of Charge to the Student Hearing Board:

Upon receipt of a charge, the DOS shall forward the charge to the Chair of the Executive Panel of the Student Hearing Board as soon as practical. The DOS shall retain a copy of the written charge and record the date received and the date transmitted to the Executive Panel. The DOS shall maintain the official files and records of the proceeding.

**IV. STUDENT HEARING BOARD:**

The Student Hearing Board is created to ensure that students receive a speedy and fair process for resolving all matters governed by this procedure. The regular membership of the Student Hearing Board consists of four students, four faculty, two staff members, and two academic professionals, all of whom shall be selected by their respective advisory groups (Student Government Association, Academic Professional Advisory Council, Civil Service Advisory Council, Senate Executive Committee) in late spring. Faculty and staff will serve three-year terms and students will serve one year. The DOS is *ex-officio* and non-voting. The DOS is responsible for arranging training in the Code for new board members. Administrative and clerical support will be provided by the DOS. The Board will meet as a whole at the beginning of each semester for training.

A. Executive Panel:

The Executive Panel will receive all charges submitted, determine the assignments of such charges for proper action and disposition, establish a calendar for hearings, and notify the parties involved of their rights and responsibilities.

The Executive Panel will act with the authority of the Student Hearing Board between meetings of the Board and will keep the members of the Board and the UIS community informed of operations of the hearing system.

The Executive Panel shall consist of one faculty, one staff, one student, and the DOS (ex officio and not voting). In the event of an action involving the Office of Student Services or for all actions involving an alleged violation of the Sexual Misconduct Policy, a VCSA designee from another office will replace the DOS. Panel members and the Panel Chair shall be selected by the full Hearing Board. If a position opens or there is a conflict, a member from the Board may move into an Executive Panel spot. Executive Panel responsibilities include:

1. Upon receipt of a charge, the Chair will send a copy of the charge and this Procedure to the accused student as soon as practical. The accused student should retain copies of all documentation.
2. Within 10 business days of receipt, the Executive Panel will proceed as

follows:

- a. **Dismiss a case as inappropriately filed or clearly frivolous, providing written reasons.** Charges which have been filed past the 10-day time limit will not be rejected if there is good cause for the delay.

Within 10 business days of receipt of notice of dismissal, the charging party may appeal in writing to the Board. The Board must respond to this appeal within 10 days. The Executive Panel members will not vote on an appeal of its decision. A majority vote of the remaining Board members is sufficient to decide appeals. If the Board overturns the Panel's decision, the Panel will proceed with regular processing of the charge.

- b. **Seek the agreement of the affected parties to attempt informal resolution of the charge by acting as neutral mediator.**

The Executive Panel may seek informal resolution of the case by working directly with both parties or by assigning the DOS to discuss the case informally with the affected parties. Resolution achieved through mediation shall be committed to writing by the Panel/Board member seeking such resolution and filed with the Executive Panel and the DOS. If informal resolution cannot be accomplished within 10 business days after the affected parties have been contacted or if either party declines to participate in informal mediation, the case shall be returned to the Executive Panel for disposition.

- c. **Hear a case which involves a time-sensitive emergency or which it considers minor in importance and make an appropriate determination.**

To facilitate resolution of matters considered to be minor in their impact on the UIS community, [e.g., broken window in UIS building, some forms of pranks, etc.] or of matters considered to be a time-sensitive emergency, the Executive Panel may constitute itself as a hearing panel to hear charges and make determinations in such cases.

Decisions by the Executive Panel that a charge involves an emergency or is minor can be appealed as a due process violation to the VCSA.

- d. **Assign the case to an appropriately constituted hearing panel.**

The Hearing Board will determine the appropriate method of constituting hearing panels. However, as the Executive Panel may review the decision of the Hearing Panel under Paragraph V (2) below, no member of the Executive Panel should simultaneously serve as a member of a Hearing Panel.

B. Hearing Panel:

1. Hearing Panel Composition:

Each panel shall include one faculty, one student, and one staff and the DOS or designee.

2. Hearing Panel Procedures:

- a. Upon receipt of the charge, the Hearing Panel shall convene within 10 business days.
- b. Chairperson: The DOS or designee will serve as the chair for the hearing panel. The chairperson's responsibility shall be to conduct an effective hearing within 15 business days of convening the Panel. The DOS or designee will not vote, but rather facilitate the process as well as be afforded the opportunity to ask questions.

c. Notice to the Parties:

The Panel chairperson shall notify the charging party and the accused student of the hearing in writing via campus mail, U.S. mail or e-mail at least 7 business days prior to a scheduled hearing. The notice shall include:

- (1) name of charging party
- (2) nature and date of the alleged disciplinary infraction
- (3) time and place of hearing
- (4) names of the hearing panel members to confirm there is not a conflict of interest.

d. Pre-Hearing Meeting; Exchange of Information

At least 5 days prior to the scheduled hearing the parties shall exchange the names of tentatively scheduled witnesses and copies of relevant documents.

e. Hearing:

- (1) The Hearing Panel will schedule a hearing for the parties to present relevant information, documents, and witnesses. The Panel members may pose questions and seek such information as is necessary for the fair and just resolution of the matter. Formal rules of legal evidence and procedure do not apply. The parties may bring to the hearing an advisor of their choice. The advisor cannot be a witness in the case but may be an attorney. A party is responsible for any costs associated with their advisor. Advisors may participate at the

discretion of the panel. The student may testify at their discretion; a decision not to testify will not be held against the student.

- (2) Hearings will be closed to the public.
- (3) UIS shall record the proceedings for use in any appeal.
- (4) The Panel will make a determination based upon the evidence presented. The student is presumed not responsible for the said charges unless proceedings of the hearing prove otherwise. The standard of proof the panel will use is preponderance of the evidence (50.1%; more likely than not). Within 7 business days of the completion of the hearing, the Chairperson shall submit a written report on behalf of the Panel to the Chair of the Board and to the parties simultaneously. The report will include findings of fact, conclusions, and any recommended sanctions.

#### ***V. Appeal and Implementation***

- A. The determination of the hearing panel is final and binding upon the parties unless the parties file an appeal with the Executive Panel Chair. An appeal must be filed within 10 business days and may be based only upon the following grounds:
  - 1) New evidence which was not reasonably available or subject to discovery at the time of the hearing; or
  - 2) Due process violations.
- B. The Executive Panel shall review the appeal within 10 business days.
  - 1) If it finds the existence of new evidence, it shall remand the charge to the original Hearing Panel, which shall reconvene within 10 business days. If an original member of the panel cannot attend, a new member from the Board may fill in.
  - 2) If it finds that there were due process violations, it shall refer the matter to a newly constituted panel, which shall convene within 10 business days.
  - 3) In all other cases, it shall forward the panel's determination with the file and supporting documentation to the DOS for implementation of the panel's determination.
- C. The Hearing Panel's fact finding shall be final and binding on the parties. The student may however file a written appeal regarding the recommended sanctions to the VCSA. The recommended sanctions may be set aside by the VCSA only upon a finding that the determination was outside the scope of the authority of the panel or would result in fundamental unfairness to the parties.

## VI. SANCTIONS FOR MISCONDUCT:

One or more of the following disciplinary sanctions may be imposed upon a student found to have engaged in any of the proscribed conducts. Failure to comply with an imposed sanction without good cause may result in additional disciplinary action.

1. Warning: Notice to the offender, orally or in writing, that continuation or repetition of the conduct found wrongful, within a period of time stated in the warning, violates BOT/University/UIS rules and may be cause for more severe disciplinary action.
2. Written Reprimand: A written reprimand may be issued to formally admonish the student.
3. Restitution: Reimbursement may be ordered for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to compensate for damages or payment to repair the damages.
4. UIS Service: The student may be required to perform appropriate service to the UIS community (e.g., set up for Springfest event, clean up international festival).
5. Examples of other possible sanctions: Papers, attend programs/meetings, create and present programs, research best practices, counseling (in-take session, anger management, alcohol), and parental notification.
6. Status Adjustment
  - A. Probation: Disciplinary probation removes a student from good disciplinary standing. The probation shall last for a stated period of time or until specific conditions have been met. Probationary status prevents the student from participating in UIS- recognized extracurricular activities identified by the Hearing Panel, excluding activities engaged in through UIS-wide student elections. Generally probation does not involve exclusion from UIS nor should it interfere with the pursuit of programs directly related to the attainment of a degree.
  - B. Suspension: Disciplinary suspension is an involuntary separation of the student from UIS for a period of time or until a stated condition is met after which readmission will be permitted upon written application to the VCSA. Disciplinary suspension is entered on the student's transcript for the duration of the suspension. The suspension may include required absence from UIS.
7. Expulsion from the University.
8. Other sanctions as deemed appropriate by the panel

## Appendix A

### **Student Conduct Code Protocol for Alleged Violations of Part B (Title IX) of the UIS Sexual Misconduct Policy**

#### **I. Resolution of Formal Complaints under Part B of the UIS Sexual Misconduct Policy**

This Conduct Code Protocol applies to Title IX Sexual Harassment in a UIS Education Program or Activity allegedly occurring against a person in the United States, as well as related allegations of Retaliation. The terms “Title IX Sexual Harassment”, “Education Program or Activity”, and “Retaliation” are defined in Appendix A of the Sexual Misconduct Policy.

#### **II. Hearing**

Following an investigation, unless the parties voluntarily agree to resolve a Formal Complaint (as defined in the Sexual Misconduct Policy) using an informal complaint resolution process, all Formal Complaints under Part B of the Sexual Misconduct Policy are resolved through a live hearing which allows both parties to participate equally.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the Hearing Panel’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The hearing shall be closed to the public and will be recorded. The recording will be made available to the parties for inspection or review.

When all parties are physically present for the hearing in the same location, any party may request that the parties be located in separate rooms with technology enabling the Hearing Panel and the parties to simultaneously see and hear all testimony.

The Respondent is presumed not responsible for violating the Sexual Misconduct Policy and the Hearing Panel will make a Determination Regarding Responsibility at the conclusion of the grievance process. The Hearing Panel’s determination will be based upon the relevant evidence presented at the hearing. The standard of proof the Hearing Panel will use is preponderance of the evidence (more likely than not).

Where a hearing involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

##### **A. Notice**

At least 14 days prior to the hearing the parties will receive written notice of the hearing date, time, location, participants, Hearing Panelists, and charges. The notice shall include:

- i. A statement that knowingly making false statements or knowingly submitting false information during the hearing process may result in discipline. A determination of responsibility, alone, is not sufficient to conclude that false information was intentionally provided;
- ii. A statement that the Respondent is presumed not responsible for the alleged conduct and that a Determination Regarding Responsibility is made at the conclusion of the grievance process;
- iii. The names of the witnesses and copies of relevant documents, including the Report of Investigation; and
- iv. A copy or a link to the Sexual Misconduct Policy and this protocol.

## **B. Advisors**

- i. The parties may have an advisor of their choice present during the hearing, who may be, but is not required to be, an attorney.
- ii. If the party does not have an advisor present at the hearing, UIS will provide without fee or charge to that party, the names of advisors available to ask cross-examination questions at the hearing on behalf of the party. After the party chooses an advisor from the list, the advisor will be given a reasonable amount of time to meet with the party to discuss cross-examination questions. UIS-provided advisors are not attorneys and do not provide legal or other advice. Their role is limited to asking cross-examination questions on behalf of the party.
- iii. Parties requiring a UIS-provided advisor should inform the Dean of Students or their designee of that fact at least 3 days before the hearing to allow the list of available advisors to be assembled.
- iv. An advisor may quietly consult with the parties but may not participate in the hearing beyond cross-examining witnesses.
- v. If a party chooses not to participate in a hearing, UIS will appoint an advisor for the party to ask cross-examination questions on behalf of the party.
- vi. Advisors shall comply with these procedures and the directions of the Hearing Panel Chair. If the advisor fails to comply with these procedures and/or directives from the Hearing Panel Chair, they may be asked to leave the hearing. If cross-examination has not happened, the hearing will be adjourned until a new advisor is appointed to perform cross-examination of witnesses on behalf of the party. If cross-examination of

the witnesses has taken place, the hearing will proceed. Formal rules of legal procedure and evidence do not apply.

### **C. Hearing Panel**

- i. Each Hearing Panel shall consist of one member of the faculty, one staff member, one student, and a non-voting Dean of Students designee. The faculty, staff, and student member of the Hearing Panel shall be members of the Student Discipline Committee. The Dean of Students designee shall serve as the Chair of the Hearing Panel. All panel decisions are by simple majority vote.
- ii. Hearing panel members must be free from conflicts of interest and bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A conflict of interest includes having participated previously in the complaint resolution process for the particular complaint being considered.
- iii. Panel members having such a conflict of interest or bias must recuse themselves and notify the Dean of Students so that a substitute can be designated.
- iv. Either party concerned that a panel member might have a conflict of interest or bias may in writing, explain the basis for the concern, and request a substitution of that official. Such requests must be received at least three days before the hearing to allow an appropriate substitution.
- v. If the Dean of Students is notified in writing that there is a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, or a faculty, staff, or student member is unable to serve, an alternate may be appointed who is not a member of the Student Discipline Committee. The alternate must receive all required training to serve on the Hearing Panel.

Before serving on a Hearing Panel, all members, including the chair, must receive a minimum of 8 hours of training, including on topics required by applicable state and federal law, as well as on any technology to be used at a live hearing.

### **D. Testimony and Other Evidence**

- i. All evidence included in the Report of Investigation shall be subject to the parties' inspection and review at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

- ii. The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- iii. At the hearing, the Hearing Panel must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- iv. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Panel Chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- v. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- vi. The Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- vii. A question or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege, is not permitted and will not be considered by the Hearing Panel.

#### **E. Hearing Outline**

- i. Opening Statement by Complainant
- ii. Opening Statement by Responding Party
- iii. Title IX Investigator's testimony
- iv. Cross-Examination by the Complainant's Advisor
- v. Cross-Examination by the Respondent's Advisor
- vi. Panelists Question the Title IX Investigator
- vii. Panel calls witnesses to testify
- viii. Panelists question the witnesses
- ix. Cross-examination by Complainant's Advisor

- x. Cross-examination by Respondent's Advisor
- xi. Additional evidence presented by Complainant
- xii. Additional witness testimony for the Complainant
- xiii. Cross-Examination of the Witnesses by the Respondent's Advisor
- xiv. Panelists Question the Witnesses
- xv. Additional evidence presented by the Respondent
- xvi. Additional witnesses for the Respondent
- xvii. Cross-Examination of the Witnesses by the Complainant's Advisor
- xviii. Panelists Questions of the Witnesses
- xix. Closing Statement by the Complainant
- xx. Closing Statement by the Respondent
- xxi. Hearing closes for panel deliberations

#### **F. Hearing Panel Deliberations**

The Hearing Panel shall deliberate in closed session. All panel decisions shall be by simple majority vote, with each member's vote carrying equal weight.

The Hearing Panel will objectively evaluate all relevant evidence presented at the hearing – including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or Witness.

The Respondent is presumed not responsible for the alleged conduct until a Determination Regarding Responsibility is made at the conclusion of the grievance process. The Hearing Panel will reflect its findings in the Determination Regarding Responsibility.

If the Hearing Panel finds, by a preponderance of the evidence, that the Respondent committed the alleged Title IX Sexual Harassment, it may impose none, any, or any combination of the sanctions set forth in Section VI of the Student Conduct Code, as appropriate.

The Hearing Panel may seek advice from the Office of University Counsel at any time during its proceedings.

The Hearing Panel must document its decisions in its written Determination Regarding Responsibility.

#### **G. Determination Regarding Responsibility**

Within 7 days of the hearing, unless for good cause, the Hearing Panel shall submit a written Determination Regarding Responsibility to the Dean of Students. The Determination Regarding Responsibility must include:

- i. Identification of the allegations potentially violating the Sexual Misconduct Policy;

- ii. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of the UIS Code of Conduct or other applicable policy to the facts;
- v. A statement of, and rationale for, the result as to each allegation, including a Determination Regarding Responsibility, any disciplinary sanctions the Hearing Panel imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by UIS to the Complainant; and
- vi. The procedures and permissible bases for the Complainant and Respondent to appeal.

The Dean of Students or designee will provide the Determination of Responsibility to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the Dean of Students provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### **III. Appeals**

The determination of the Hearing Panel is final and binding upon the Respondent unless the Respondent and/or the Complainant submits a written appeal to the Vice Chancellor for Student Affairs or their designee within 7 days of receiving the Determination Regarding Responsibility. An appeal may be submitted by email, mail, or hand delivery to the Vice Chancellor for Student Affairs or their designee. Appeals must include all documentation supporting the appeal. The Vice Chancellor for Student Affairs or their designee may grant an appropriate extension of time for submitting an appeal upon written request if there is good cause shown. The parties shall be simultaneously notified in writing of any approved extension of time for filing an appeal and the reason therefore.

The Respondent and/or the Complainant may appeal based upon the following grounds:

- A. Procedural irregularity that affected the outcome of the matter;

- B. New evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter;
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and
- D. The sanction is disproportionate with the violation.

Once an appeal is submitted by either party, the Vice Chancellor for Student Affairs or their designee will notify the other party in writing that an appeal has been filed. The non-appealing party will have 7 days to submit a written statement in response to the appeal.

The Vice Chancellor for Student Affairs or their designee shall review the appeal within 14 days of receiving the appeal and any statement in response from the other party, or the time for submission of the response has expired. Before taking action on the appeal, the Vice Chancellor for Student Affairs or their designee shall consider the appeal, any statement submitted in response by the other party, and all evidence considered by the Hearing Panel. The burden of persuasion rests with the appellant to establish the grounds for appeal.

The Vice Chancellor for Student Affairs or their designee may deny the appeal or grant the appeal in whole or in part and shall issue a written decision simultaneously to both parties within 7 days of the decision describing the result of the appeal and the rationale for the result. The notice shall specify that the decision of the Vice Chancellor for Student Affairs or their designee is final and that no further appeals are permitted.

If there are processing delays for any reason, including the granting of a party's request for an extension for good cause, the Complainant and the Respondent shall be given simultaneous written status updates that include the reason for any delay.

#### **IV. Recordkeeping**

The audio recording of the hearing will be available to the parties for inspection and review as soon after the hearing as reasonably possible.

UIS will retain the Determination Regarding Responsibility, all evidence presented at the hearing, any appeal and the result therefrom, and the audio recording of the hearing for 7 years. For other records retained relating to Title IX Sexual Harassment complaints, see the UIS Sexual Misconduct Policy.

Update: November 2021