

CARLETON COLLEGE
Community Board on Sexual Misconduct (CBSM)
Resolution Hearing and Appeal Procedures

More detailed information about Carleton's Policies Against Sexual Misconduct and CBSM resolution procedures is available online at go.carleton.edu/sexual_misconduct.

- 1) The Chair will call the meeting to order and state the purpose of the hearing: to determine whether it is more likely than not (preponderance) that there has been a violation of the College's Community Standards and, if a violation has occurred, to assign appropriate sanctions.
- 2) Introductions—each person involved in the hearing will be introduced to the other participants.
- 3) The Chair will present the Investigative Summary. The Panel may ask clarifying questions and identify areas of agreement and dispute.
- 4) The **Complainant** will be invited to present their statement to the Panel (5-10 minutes).
- 5) The **Respondent** will be invited to present their statement to the Panel (5-10 minutes).
- 6) Members of the Panel may ask questions of the **Complainant**, such as clarifying questions about their statement and about the Investigative Summary.
- 7) Members of the Panel may ask questions of the **Respondent**, such as clarifying questions about their statement and about the Investigative Summary.
- 8) The Chair will call for the members of the Panel to discuss areas of dispute and determine whether any additional clarification or information is needed from the Complainant or Respondent.
- 9) The Complainant and Respondent will be invited to share final remarks. The **Complainant** will go first, and the **Respondent** will follow.
- 10) The Panel may ask the Complainant or the Respondent to answer further clarifying questions before the hearing is closed.
- 11) The Chair will close the hearing. The Panel will go into closed session to determine whether a violation of policy was committed.
- 12) Once the panel has reached a decision, the Chair will verbally report the finding of violation or no violation to the Complainant and Respondent, each separately.

A POLICY VIOLATION IS NOT FOUND

13) If a policy violation is not found, the following day or whenever reasonably practical, both parties will meet separately with the Chair and will receive a letter stating the outcome of the Panel Resolution Meeting. If interim measures were in effect, those interim measures will no longer be required.

A POLICY VIOLATION IS FOUND

If a violation has been determined, after a designated time (typically 20 minutes), the parties will be invited back separately into the hearing room to share an impact and sanction statement with the Panel, which would result in questions from the Panel. This portion of the meeting is recorded.

14) The **Complainant** shares an impact and sanction statement with the Panel.

15) Members of the Panel may ask the **Complainant** clarifying questions about the impact and sanctions statement.

16) The **Respondent** shares an impact and sanction statement with the Panel.

17) Members of the Panel may ask the **Respondent** clarifying questions about the impact and sanctions statement.

18) The Panel will go into closed session to determine appropriate sanctions. The recorder will be turned off at this time.

19) The following day or whenever reasonably practical, both parties will meet separately with the Title IX Coordinator/Chair and will receive a letter stating the outcome of the hearing.

APPEAL

Either party has the right to appeal the decision of the CBSM Panel. The purpose of an appeal is to review the adjudication process for error. An appeal is **not** a rehearing of the case.

Appeals are accepted on the basis of one or more of the following criteria:

- 1) procedural errors that may have substantially impacted the final decision;
- 2) relevant new information that was not available at the time of the hearing, and would have substantially affected the panel's decision;
- 3) the sanction is inconsistent with the seriousness of the offense.

The right of appeal is contingent upon participation in the investigative and resolution hearing process. An appeal must be made in writing to the Title IX Coordinator within five business days of the date that the party receives written notification of the Panel's decision and imposed sanctions (which is generally the day of the resolution hearing). The sanctions imposed by the CBSM panel are held in abeyance until the end of the appeals period.

An appeal will generally follow the process outlined below.

The VP/ Dean of Students will first determine if an appeal is warranted, based on any of the above three criteria. If an appeal is allowed, the VP/ Dean of Students will determine next steps. Below is the general format of the appeal process:

- 1) A student will submit a written appeal indicating on what grounds they are appealing, along with the specific argument or rationale to support the appeal. Written appeals must be delivered to the Title IX

Coordinator within 5 business days of the date that the party receives written notification of the Panel's decision and sanctions.

- 2) The Coordinator/Chair will communicate the nature of appeal to the VP/Dean of Students (or the VP's designee) to review the appeal.
- 3) The Coordinator/Chair will communicate the details of the appeal to the other party (s) involved in the complaint, and provide 3 days for that party to respond to the appeal.
- 4) If the appeal is **regarding procedure**, the Chair of the CBSM will be consulted and the record of the hearing will be reviewed. If a procedural error is determined, a new panel may be asked to re-hear the case, or the same panel may be reconvened, depending on the nature of the procedural error.
- 5) If the appeal is **regarding new information**, the VP will consult with the Chair of the CBSM who will then communicate with the CBSM panelists to see if this new information may have substantially impacted the outcome of the resolution hearing. If it is determined that the new information may have substantially impacted the outcome, the same CBSM panelists will review the new information and make a new determination.
- 6) If the appeal is **regarding sanctions inconsistent with the seriousness of the offense**, the VP will review the sanctions and make a determination regarding whether to impose different sanctions.
- 7) The appealing student may meet with the Coordinator/Chair and/or the VP reviewing the appeal, if the VP has any clarifying questions or needs additional information to move forward with the appeal.
- 8) If relevant, the Chair of the CBSM will submit to the VP an informational response to the appeal, detailing the Panel's procedures and decision-making process with regards to the issue being appealed. The VP may also meet with the Chair if the VP needs clarification on any information.
- 9) The VP will notify both parties (appealing student and the other party (s) to the complaint process) in writing as to the determination regarding the appeal.

The VP will act upon a written appeal within a reasonable time period, normally five business days after receipt of the appeal. Decisions of the VP are the final institutional response and may not be appealed.