

Expectations for Complainant and Accused Persons: Sexual Misconduct, Interpersonal Violence, and Sexual Harassment Allegations in the Office of Community Standards

Both the complainant and accused in cases of alleged Sexual Misconduct, Interpersonal Violence and Sexual Harassment can expect the following:

- The right to notice of the charges of sexual misconduct, interpersonal violence, and sexual harassment against the accused, including the identity of the complainant, as well as the date, time, and location of hearing (if applicable) where responsibility will be determined.
- Access to all relevant documents and written statements to be presented in advance of the hearing as specified in the Code of Student Conduct.
- The opportunity to be assisted by an advisor, which includes the option to have a lawyer present at the hearing.
- The opportunity to provide an opening and closing statement during the hearing.
- The right to a panel that is fair and impartial, and does not have any prior relationship with the parties or to the facts, and the opportunity to object to the inclusion of a member of the hearing panel.
- A panel shall presume that the accused is not responsible until such time as all information has been submitted and a final determination reached by the panel.
- The opportunity to have a hearing in which Miami University will endeavor to keep all details of the hearing private including the names of the complainant, the accused, and witnesses.
- The opportunity to ask questions of the complainant and accused via the hearing panel.
- The opportunity to ask questions of the complainant's and accused's witnesses via the hearing panel.
- The opportunity to participate in the hearing in person. A complainant may also request participation by other suitable means that would not require physical proximity to the accused. This can include, but is not limited to, partitioning a hearing room or using technology to facilitate participation.

- Confidential medical/counseling records and/or information regarding the complainant's sexual history will not be provided to the accused and is not admissible at any disciplinary proceeding without the complainant's written consent.
- The opportunity to be present for the entire duration of the hearing, except for deliberations. This includes the opportunity to see, hear, or otherwise observe the complainant and/or accused and all witnesses appearing at the hearing during all questioning, statements, and exchanges with the hearing panel.
- Notification in writing of the outcomes of the hearing and/or appeals.
- The opportunity to appeal the initial hearing outcome if grounds for appeal are met.

Resolution Outcomes

Administrative Hearing Panels that find a student or student organization responsible for a violation of Sexual Misconduct, Interpersonal Violence, or Sexual Harassment will impose appropriate sanctions that may include, but are not limited to, those set forth below. Sanctions may be issued individually or a combination of sanctions may be imposed. The determination of sanctions is based upon a number of factors, including the harm suffered by the complainant; any ongoing risk to either the complainant or the community posed by the accused; the impact of the violation on the community, its members, or its property; any previous conduct violations; and any mitigating or aggravating circumstances.

An accused student, who after having a hearing for a violation of Sexual Misconduct, Interpersonal Violence or Sexual Harassment, is found not responsible, may be found responsible and sanctioned for a violation of Endangering Health and Safety.

In some cases, a panel may determine that the conduct was motivated by bias, insofar as a complainant was selected on the basis of race, color, ethnicity, national origin, religion, age, disability, or other protected class. Where the panel determines that student misconduct was motivated by bias, the panel may elect to increase the sanction imposed as a result of this motivation.

Possible Code of Student Conduct Sanctions

Dismissal and Suspension/Revocation of Recognition

Dismissal is a sanction which permanently separates the student from the University without any opportunity to re-enroll in the future.

Suspension is a sanction that terminates the student's enrollment for a specified period of time. The Dean of Students or designee will determine the effective date of the suspension (either at the conclusion of the disciplinary process or at the close of the current semester/term) for a minimum of either fall or spring semester and may also include summer and/or winter term. *(Note that a student may not be suspended solely for either summer and/or winter term.)*

Suspension of a student organization or fraternity or sorority is a revocation (withdrawal) of University recognition. During a period of revocation, a student organization or fraternity or sorority forfeits all the rights and privileges afforded to them by University policy. A student organization or fraternity or sorority whose recognition has been revoked must petition for reinstatement of recognition. Conditions for reinstatement of recognition will typically be outlined in the original sanction.

Conditions of Suspension and Dismissal

A student who has been dismissed or suspended from the University is denied all privileges afforded a student and must vacate campus at a time determined by the Dean of Students or designee. In addition, students who are dismissed or suspended may not enter any Miami University campus/or other University property at any time for any reason in the absence of the express written consent of the Dean of Students or designee. To seek such permission, a suspended or dismissed student must file a written petition with the Office of Community Standards for entrance for a limited, specific purpose. Academic credit earned elsewhere during a period of suspension will not be accepted in transfer. A student who has been suspended must petition for re-enrollment. Incomplete grades may not be removed during periods of suspension or dismissal.

Disciplinary Probation

Disciplinary Probation indicates the behavior of a student, student organization, fraternity or sorority has resulted in a sanction that is close to suspension. It is imposed for a definite period of time and may include disciplinary restrictions. A student or representatives of an organization, fraternity or sorority on probation may be required to meet periodically with a person designated by the Office of Community Standards.

Disciplinary Restrictions

Disciplinary Restrictions may be imposed with or without suspension, revocation of recognition, or probation. Disciplinary Restrictions include, but are not limited to:

1. restrictions from participating in intercollegiate athletics, extracurricular activities, and residence life activities;
2. restrictions in the right of access to campus facilities, including residence halls;
3. monetary payments for purpose of restitution or to cover the expense of educational sanctions;
4. required University service;
5. no-contact/restraining orders;
6. denial of financial assistance from programs funded by the University;
7. removal from or reassignment of University housing;
8. required attendance at educational/assessment programs, such as anger management workshops and comprehensive substance abuse assessments;
9. administrative hold on access to specified University documents;

10. loss of University privileges including, but not limited to, parking and computing/email resources;
11. revocation of the right to the use of University facilities, University funding, or other privileges for a defined period of time;
12. planning of and attendance at educational programming;
13. prohibition of participation in or sponsorship of social, intramural, or other activities or events.

Summary Suspension

Summary Suspension without Prior Notice or Hearing

When the Dean of Students or designee has reasonable cause to believe that the student's or student organization's presence on University premises or as a University-related or registered student organization activity poses an immediate and significant risk of substantial harm to the safety or security of themselves, others, or to property, the student, or student organization may be immediately suspended from all or any portion of University premises, University-related activities or registered student organization activities. This temporary suspension will be confirmed by a written statement and shall remain in effect until the conclusion of the disciplinary process. The student or student organization may, within three working days of the imposition of the suspension, petition the Dean of Students or designee for reinstatement. The petition must be in writing and must include supporting documentation or evidence that the student or student organization does not pose, or no longer poses, a significant risk of substantial harm to the safety or security of themselves, others, or to property. A decision on such petition will be made without undue delay by the Dean of Students or designee.

Summary Suspension with Notice and Hearing

The Dean of Students or designee may summarily suspend a student or student organization; prohibit the same from any or all appropriate portions of University premises, University-related activities, or registered student organization activities; and/or permit the student or student organization to remain only under specified conditions during the disciplinary process if the Dean of Students determines that the student's or student organization's continued presence endangers themselves, others, or property.

Before making such a determination, the Dean of Students or designee will notify the student or student organization of the reasons that the summary suspension is being considered and provide the student or student organization with an appropriate opportunity to meet with the Dean of Students or designee prior to the decision. The purpose of the meeting is to address:

- a. The reliability of the information concerning the conduct of the student or student organization; and
- b. Whether or not the conduct and surrounding circumstances reasonably indicate endangering behavior.

Endangering behavior means taking or threatening action that endangers the safety, physical or mental health, or life of any person or creates a reasonable fear of such action. Sexual

Misconduct, Interpersonal Violence, and Sexual Harassment may constitute endangering behavior.

Notice of Outcome and Sanction

The hearing panel will communicate the result of the hearing and any sanction(s) to the accused and the complainant. Within ten (10) calendar days after the close of a hearing, the hearing authority will issue its decision in writing.

Appeals Process

Either party may request an appeal within five (5) university working days from the time of notification of the decision by the Office of Community Standards. The appeal may be based on one or more of the following grounds:

- Inappropriate sanction
- Procedural defect in the adjudication of the case
- New evidence

Appeals must be in writing and submitted to the Office of Community Standards. All parties will be notified if an appeal is filed and will have three (3) University working days to submit a written response to the appeal. Copies of the statements of appeal and any responses will be made available to all involved parties.

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