LAC COURTE OREILLES OJIBWE COLLEGE

Sexual and Gender-Based Harassment

Policy Statement

Lac Courte Oreilles Ojibwe College is committed to maintaining a safe and healthy educational and work environment in which no member of the College community is, on the basis of sex, sexual orientation, or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination in any College program or activity. Gender-based and sexual harassment, including sexual violence, are forms of sex discrimination in that they deny or limit an individual’s ability to participate in or benefit from College programs or activities.

This policy is designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements, including: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the College’s programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; and State of Wisconsin statutes; and Lac Courte Oreilles Tribal Code of laws that prohibit discrimination on the basis of sex, sexual orientation, and gender identity. This policy does not preclude application or enforcement of other College program policies which are designed to protect student, staff, faculty and other participants enrolled with the College.

It is the policy of the Lac Courte Oreilles Ojibwe College to provide educational, preventative and training programs regarding sexual or gender-based harassment; to encourage reporting of incidents; to prevent incidents of sexual and gender-based harassment from denying or limiting an individual’s ability to participate in or benefit from the College’s programs; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Violations of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the policies and procedures adopted by the Lac Courte Oreilles Ojibwe College Board of Regents and enforced by the College’s Title IX officers assigned to implement this policy.

Retaliation against an individual for raising an allegation of sexual or gender-based harassment, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.

Nothing in this Policy shall be construed to abridge academic freedom and inquiry, principles of free speech, or the College’s educational mission.

Definitions

Sexual Harassment
Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, when:

- submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (*quid pro quo*); or
- such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person’s ability to participate in or benefit from the College’s education or work programs or activities (*hostile environment*).

Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex.

A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment. In addition, the following conduct may violate this policy:

- Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties
- Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipient(s)
- Sexual advances, whether or not they involve physical touching
- Commenting about or inappropriately touching an individual's body
- Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment
- Lewd or sexually suggestive comments, jokes, innuendoes, or gestures
- Stalking

Other verbal, nonverbal, graphic, or physical conduct may create a hostile environment if the conduct is sufficiently persistent, pervasive, or severe so as to deny a person equal access to the College’s programs or activities. Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected one or more person’s
education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

**Unwelcome Conduct**

Conduct is unwelcome if a person

- did not request or invite it and
- regarded the unrequested or uninvited conduct as undesirable or offensive.

That a person welcomes some sexual contact does not necessarily mean that person welcomes other or additional sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors. The following types of information may be helpful in making that determination:

- Statements by any witnesses to the alleged incident;
- Information about the relative credibility of the parties and witnesses;
- The detail and consistency of each person’s account;
- The absence of corroborating information where it should logically exist;
- Information that the respondent has been found to have harassed others;
- Information that the complainant has been found to have made false allegations against others; information about the complainant’s reaction or behavior after the alleged incident; and
- Information about any actions the parties took immediately following the incident, including reporting the matter to others.

In addition, when a person is so impaired or incapacitated as to be incapable of requesting or inviting the conduct, conduct of a sexual nature is deemed unwelcome, provided that the Respondent knew or reasonably should have known of the person’s impairment or incapacity. The person may be impaired or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. A Respondent’s impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish the Respondent’s responsibility for sexual or gender-based harassment under this Policy.

**Gender-Based Harassment**

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person’s ability to participate in or benefit from the College’s education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this Policy.
Jurisdiction

This policy applies to sexual or gender-based harassment that is committed by students, faculty, staff, College appointees, or third parties affiliated with the College, whenever the misconduct occurs:

- On College property; or
- Off College property, if:
  - the conduct was in connection with a College or College-recognized program or activity; or
  - the conduct may have the effect of creating a hostile environment for a member of the College community.

Monitoring and Confidentiality

A variety of resources are available at the College to assist those who have experienced gender-based or sexual harassment, including sexual violence.

Individuals considering making a disclosure to College Title IX officers should make sure they have informed expectations concerning privacy and confidentiality. The College is committed to providing all possible assistance in assisting individuals who are making these disclosures in understanding these issues and to help individuals to make an informed decision regarding their disclosures. Some disclosures may rise the level of a formal complaint, consistent with the College’s Title IX policies and procedures.

It is important to understand that, while the College will treat information it has received with appropriate sensitivity, College personnel may nonetheless need to share certain information with those at the College responsible for stopping or preventing sexual or gender-based harassment. For example, College officers, other than those who are prohibited from reporting because of a legal confidentiality obligation or prohibition against reporting, must promptly notify the College and the College’s Title IX Coordinator about possible sexual or gender-based harassment, regardless of whether a complaint is filed. Such reporting is necessary for various reasons, including to ensure that persons possibly subjected to such conduct receive appropriate services and information; that the College can track incidents and identify patterns; and that, where appropriate, the College can take steps to protect the College community. This reporting by College officers will not necessarily result in a complaint; rather, the College or the College’s Title IX Coordinator will assess the information and determine what action, if any, will be taken. Information will be disclosed in this manner only to those at the College who, in the judgment of the Title IX Coordinator, have a need to know. These procedures are detailed in the compliant process under the College’s Title IX policies and procedures.

Should individuals desire to discuss an incident or other information only with persons who are subject to a legal confidentiality obligation or prohibition against reporting, they should ask...
College personnel for information about such resources, which are available both at the College and elsewhere. College personnel are available to discuss these other resources and to assist individuals in making an informed decision.

**Violations of other Rules**

The Lac Courte Oreilles Ojibwe College encourages the reporting of all concerns regarding sexual or gender-based harassment. Sometimes individuals are hesitant to report instances of sexual or gender-based harassment because they fear they may be charged with other policy violations. Because the College has a paramount interest in protecting the well-being of its community and remedying sexual or gender-based harassment, other policy violations will be considered, if necessary, separately from allegations under this Policy. Reporting concerns does not exempt individuals from their own conduct, but the College will consider all reports to determine the best approach to protect the community, the students and the mission of the College.

**Reporting**

A. Mandatory Reporting  
All College employees are responsible for taking all appropriate action to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All College employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator.

B. Confidential Reporting  
All forms of sexual harassment should be reported, no matter the severity. In addition, The College should be made aware of possible threats to the campus community in order to issue timely warnings.

C. Reporting to the Police  
The College strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, College disciplinary actions and/or civil actions against the respondent.

D. Reporting of Student Instances  
Students shall report any instances of sex discrimination or sexual harassment to any The College employee and/or the Title IX Coordinator. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that results in the Coordinator receiving the report. The report can be made any time, even during non-business hours.
After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant’s wishes with respect to whether the College investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

The College will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sex discrimination or sexual harassment has occurred. Periodic updates on the status of the investigation will be provided to the complainant. If the school determines that the sexual violence occurred, The College will continue to take these steps to protect the complainant and ensure his or her safety, as necessary. The College will provide the complainant with any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and assistance in reporting a crime to local law enforcement.

**Written Notice of Complaint**

Upon receipt of a formal complaint, The College will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice includes:

a. Notice of the grievance process, including any informal resolution process.
b. Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response.
c. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process.
d. Notice of the parties’ right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
e. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct and subject to disciplinary action.

**Investigation**

The Title IX Coordinator will make a determination to begin a formal investigation of sex discrimination or a sexual harassment incident which will lead to an institutional action. The coordinator will be available to explain to both parties the process and to notify in writing of the receipt of a complaint and the actions The College will take. The burden of gathering evidence and burden of proof must remain on The College, not on the parties.

An investigation will be conducted by a Title IX Investigator. This investigation will include:
• Meeting personally with the complainant, (unless extraordinary circumstances prevent a personal meeting),
• Meeting personally with the respondent, (unless extraordinary circumstances prevent a personal meeting),
• Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made,
• Collecting any physical evidence,
• Meeting personally with any witnesses, (unless extraordinary circumstances prevent a personal meeting with one or more witnesses), and
• Reviewing any documentary evidence.

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take up to 60 days. When investigating a complaint and throughout the complaint process, The College must:

(1) ensure that the burden of proof and of gathering evidence rests on The College rather than the parties;
(2) provide an equal opportunity for the parties to present witnesses and evidence
(3) not restrict either party’s ability to discuss the allegations or gather and present evidence;
(4) provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor;
(5) provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate;
(6) provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation; and
(7) prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility.

The College will determine if a Title IX hearing is necessary. If it is determined that The College will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date.

Mandatory or Permissive Dismissal

Mandatory dismissal must occur when determined in the course of the investigation that allegation in a formal complaint:

(1) did not occur in The College’s program or activity;
(2) did not constitute sexual harassment as defined; or
(3) did not occur against a person within the US.

Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when:

(1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; or
(2) the respondent is no longer enrolled or employed by the College; or
(3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination. Both parties must receive written notice of a permissive dismissal and reasons.

The College may still address allegations of misconduct under the Student Code of Conduct.

**Institutional Action**

A. Mediation is a method of informal resolution. Informal resolutions are prohibited unless a formal complaint of sexual harassment is filed. Mediation may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the mediation. Participation in mediation is not mandatory but will only take place with the consent of both parties involved. Mediation may only be used:
   1. Prior to a Notice of hearing being issued.
   2. When a trained Title IX Officer determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process.
   3. When the complaint does not involve sexual violence as defined in the Title IX Policy.
   4. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.
   5. Mediation is not available when the complaint alleges a College employee harassed a student.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may terminate mediation at any time prior to the entry of a voluntary resolution and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

**Title IX Hearing**

The Title IX Coordinator will determine if a hearing is necessary; mediation is never appropriate in sexual violence cases. If it is determined that the College will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date, the alleged policy violation and issued a notice to appear at the hearing. The written notice will be hand delivered directly to the student(s) or mailed to the local address as filed in the Registrar’s Office. Students are responsible for providing and maintaining a current local address in the Registrar’s Office.

Procedures of the conduct of the Title IX Hearing will include but not limited to the following:

- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet.
• Read and understand the procedures of the Title IX hearing provided by the Coordinator prior to the hearing as part of a hearing packet.
• Have a clear understanding of the incident in question before going into deliberations for a decision.
• Provide copies of notes, if made, to the hearing officer. The hearing officer will inform the parties of the decision at the hearing and send a letter as described in this policy.

Complainant’s Rights:
• Be given a written explanation of the allegations and the hearing process;
• Have access to evidentiary material in advance of the hearing;
• Be present during the entire hearing;
• Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide The College with the name and contact information for the student’s advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, The College’s attorney will also be present for the hearing);
• Be given a timely hearing;
• Exclude evidence of the victim’s past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
• Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment;
• Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
• Written notification of any external counseling services that may be available;
• Written notification of options for changing academic, living, transportation, and work site situations if reasonable;
• Written notification of an avenue for appeal.

Respondent’s Rights:
• Be given written notice of the allegations and the hearing process;
• Have access to evidentiary material in advance of the hearing;
• Be present during the entire hearing;
• Have no violation presumed until found responsible;
• Be given a timely hearing;
• Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide The College with the name and contact information for the student’s advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, The College’s attorney will also be present for the hearing);
• Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
• Written notification of any external counseling services that may be available;
• Written notification of options for changing academic, living, transportation, and work site situations, if reasonable;
• Written notification of an avenue for appeal.

The hearing will include opening statements, each party’s evidence and witnesses, and closing statements. The College Students are permitted to be present during the disciplinary hearing (except during deliberations of the panel). Students are permitted to make statements, present witnesses and present evidence during the hearing which has been previously collected and approved during the investigation process. Witnesses and evidence need to be directly related to the incident. The standard of proof used in The College Title IX Hearings is the preponderance of the evidence, which means the determination to be made, is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution. In-person hearings are preferred, but videoconference hearings may be conducted if the hearing officer determines that the health, safety and welfare of all participants is better served by the alternate hearing mode.

**Outcome**

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sex Discrimination or Sexual Harassment policy violation the complaint will be dismissed.

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; in addition, sanctions may be imposed singularly or in combination when a violation of this policy is found.

Sexual Discrimination (includes gender discrimination) may include the following sanctions of the student(s) found responsible.

- **Restriction** – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent The College, or denial of participation in extracurricular activities.
- **Service Project** – Community service or an education class or project beneficial to the individual and campus or community.
- **Probation Level I** – A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with The College and that further violations of regulations will subject him/her to suspension or expulsion from the The College.
• Housing Suspension – If applicable and warranted by the severity of the incident, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.

• Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from The College are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to The College’s normal withdrawal policy.

• Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to The College’s normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Harassment may include the following sanctions on the student(s) found responsible.

• Restriction – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent The College.

• Service Project – Community service or an education class or project beneficial to the individual and campus or community.

• Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.

• Housing Suspension – If applicable, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.

• Probation Level II – Adds to Level I the stipulation that students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, leadership positions within housing or other organizations). Students must apply to get off Conduct Probation Level II by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.

• Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from The College are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to
conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to The College's normal withdrawal policy.

- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to The College's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Violence may include the following sanction on the student(s) found responsible.

- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to The College's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing by certified mail or other agreed upon form of notice within five business days after the hearing at the same time. Both parties have the right to appeal the decision reached through the hearing proceedings within five days after the hearing.

**Appeal Procedures**

An appeal is not a new hearing but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from The College to the student(s) found responsible for the policy violation. The student must show one or more of the listed grounds for an appeal.

A. Appeals must be submitted in writing to the President within five (5) College of the Muscogee Nation working/school days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):
   1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
   2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
   3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with The College procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

C. The President will review the record of the original hearing, including documentary evidence. It is the President’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing committee for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing(s) was “insufficient” to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing committee, either or both students may appeal the committee’s decision to the President and the procedures set out above shall control the appeal.

D. The final decision will be communicated in writing by the President to the appealing student(s). The decision will be communicated within ten (10) working/school days of receiving the written recommendation. Both parties will be notified of the final outcome of the appeal.

E. The decision of the President on appeal shall be final.