Special Procedures Hearing Process

A hearing will be conducted by a Title IX Hearing Panel, a mixed gender three-person committee of university hearing officers, all of whom have been trained in sexual assault prevention and response; students will not be allowed to serve on any Title IX Hearing Panel. When a student is found responsible for violating the Code of Student Life respective to Sexual Harassment, Sexual Misconduct, Stalking, Domestic Violence, and/or Dating Violence, the Hearing Panel will impose disciplinary sanctions ranging from University Censure to Expulsion, as well as other Educational Sanctions as deemed appropriate by the Hearing Panel.

The Hearing Panel will conduct an administrative hearing, using the preponderance of evidence standard. The Alleged Victim is not required to participate, but to the extent the Alleged Victim does participate, the Hearing Panel will separately interview the Alleged Victim and Respondent. The parties WILL NOT be allowed to personally question or cross-examine each other during the hearing process.

Filing an Appeal

The Respondent may file an appeal through an electronic link on the decision letter. The Alleged Victim may file an appeal by requesting a paper form from the OSSC.

Appeal Process

In the event either student disagrees with the finding or sanction of the hearing panel, either student may request an appeal within five (5) business days after notification of the decision. Respondent’s appeal shall proceed consistent with the general provisions outlined in Code of Student Life Section I(D), “Appeal Procedures.” The alleged victim’s appeal shall proceed consistent with the provisions outlined in Code of Student Life Section (I)(C)(10).

In cases where the Respondent or alleged victim submit an appeal, both parties will be notified in writing that an appeal has been submitted and the other party may provide a written response to the appeal within five (5) business days after notification.

The written response must: (1) address only the specific point(s) raised in the other party’s appeal, and (2) be limited to a one-time submission; responses that do not meet this criteria will not be forwarded to the appellate body for consideration. No additional submissions, beyond the appeal and the response, will be considered.

The outcome of the appeal will be sent in writing to both parties.

In the event of a permissible appeal, subject to all applicable University policies, the sanctions (except interim action or interim suspension) will be put into effect only after the Appellate Body makes a decision, although sanctions may be retroactive to the date of the alleged offense.
Rights of the Respondent and Alleged Victim in the Process

1. To have a pre-hearing meeting.
2. To be notified of your rights and the charges.
3. To review available information and a list of witnesses.
4. To propose information and witnesses.
5. To be accompanied by one advisor or support person.
6. Cases will receive priority in scheduling hearings.
7. Both students shall be notified simultaneously, in writing, whether there has been a finding of responsible for alleged misconduct and any disciplinary measures relating to the sexual misconduct charge.
8. The right to appeal.

We are neutral. We are committed to providing a fair and unbiased review, and our investigations are focused on the information available. We also help Complainants/Alleged Victims and Respondents by providing information about support and advocacy services.

Advisor/Support Person. An advisor may be defined as a friend, a family member, a member of the university community or an attorney. The accused student is responsible for presenting his/her own case and therefore, advisors may not participate directly in the Administrative Hearing Panel. It is a student’s responsibility to request and obtain the services of an advisor. University officials are neither required, nor obligated to act as advisors. Administrative hearings will not be scheduled based on the availability of an advisor.

Gathering information. The OSSC Investigator interviews witnesses and reviews all documentation deemed relevant to the situation. The Investigator may also contact the Complainant/Alleged Victim and Respondent with additional questions or to request additional information. It is the responsibility of both parties to submit documentation to the Investigator.

Witnesses and Documentation. The Complainant/Alleged Victim or Respondent is responsible for submitting a list of witnesses, and for encouraging those witnesses to contact the Investigator to arrange an interview. The names of interviewed witnesses will be available to both parties. All information or documentation provided by either party, or by a witness interviewed in the course of an investigation, may be included in the final information packet and shared with the other party to this matter.

The alleged victim and/or respondent will produce any information or materials responsive to the hearing packet within 24 hours prior to the hearing. If additional information or materials are submitted after this time, such information or material will only be considered if the Director deems that such information is relevant and should be admitted for review by the Hearing Panel, the Director will reschedule the hearing date to allow both parties the opportunity to review and respond to the relevant evidence.

Review of Information Packet. The Respondent and Alleged Victim will be provided with an information packet of documentation or other information reviewed by the Administrative Hearing Panel.

Decision and outcomes. After receiving and reviewing all information the statements, the Administrative Hearing Panel will reach a conclusion. If found responsible, the Administrative Hearing Panel will apply sanctions consistent with applicable University policies.

Retaliation. The University strongly prohibits retaliation. Complainants and Witnesses are protected from any form of retaliation for engaging and/or participating in the investigative process. As the Respondent, you are directed to ensure that your actions, either directly or indirectly, do not constitute retaliation against those who have exercised their rights under University policy or who have participated in the investigative process.

For Alleged Victims

The Alleged Victim may submit an Impact Statement for the consideration of the Hearing Panel. This statement should address the affects the incident has had on the student’s life. The statement should be in the form of a letter, addressed to the panel and signed by the student, physically or electronically. It is important to note that the Respondent will also be able to read the Impact Statement.

Further details on all policies, rights, and definitions can be found in the Code of Student Life: handbook.uark.edu