

The Antioch College Sexual Offense Prevention Policy

Approved October 31, 2005 Effective January 1, 2006

Preface:

In 1991, a group known as the Womyn of Antioch began a campaign to challenge the culture of sexual violence within Antioch College. Through this effort, a document was created which became known as the Sexual Offense Prevention Policy (SOPP). The SOPP is Antioch College's formal attempt at ending sexual violence while fostering a campus culture of positive, consensual sexuality. It is about empowerment, changing our rape culture, and healing. The SOPP defines consent in a way that emphasizes respect and ongoing communication. It is designed to create an internal system that when followed, will prevent and also respond to sexual offenses within our Community. **All Community Members and other persons who use or visit the Antioch campus, regardless of their relationship to Antioch, are expected to become familiar with and follow the SOPP. It applies equally to all types of sexualities, gender identities and gender expressions.** As a college policy, it is recognized that the SOPP contains standards of conduct that are different from those of the legal system. It is not the intent of the SOPP to replace existing laws, but instead to include a consensual standard for sexual behavior within Antioch College. **See Addendum A for "Herstory: 1990-1996".**

Consent:

Consent is defined as the act of willingly and verbally agreeing to engage in specific sexual conduct. The following are clarifying points:

- Consent is required each and every time there is sexual activity.
- All parties must have a clear and accurate understanding of the sexual activity.
- The person(s) who initiate(s) the sexual activity is responsible for asking for consent.
- The person(s) who are asked are responsible for verbally responding.
- Each new level of sexual activity requires consent.
- Use of agreed upon forms of communication such as gestures or safe words is acceptable, but must be discussed and verbally agreed to by all parties before sexual activity occurs.
- Consent is required regardless of the parties' relationship, prior sexual history, or current activity (e.g. grinding on the dance floor is not consent for further sexual activity).
- At any and all times when consent is withdrawn or not verbally agreed to, the sexual activity must stop immediately.
- Silence is not consent.
- Body movements and non-verbal responses such as moans are not consent.
- A person can not give consent while sleeping.
- All parties must have unimpaired judgement (examples that may cause impairment include but are not limited to alcohol, drugs, mental health conditions, physical health conditions).

-All parties must use safer sex practices.

-All parties must disclose personal risk factors and any known STIs. Individuals are responsible for maintaining awareness of their sexual health.

These requirements for consent do not restrict with whom the sexual activity may occur, the type of sexual activity that occurs, the props/toys/tools that are used, the number of persons involved, the gender(s) or gender expressions of persons involved.

Violations of Policy:

The SOPP is violated whenever there is an incident of non-consensual sexual conduct on the Antioch College campus, during an Antioch College sanctioned event, or between two Antioch College students regardless of location. This may include but is not limited to:

-Sexually based gestures

-Sexually based touching

-Sexually based penetration of any body opening by any means

-Sexually based stalking

-Sexually based forms of non-consensual communication, whether verbal, written, electronic, or telecommunication based

-Failure to disclose STIs and other personal risk factors, or failure to use safer sex practices

-Harassment of any kind based on sexuality, gender identity, or gender expression

Non-consensual conduct that is not sexually based should be referred to the Community Standards Board.

Education:

Antioch College believes that education is key to understanding and utilizing the SOPP. The College is therefore committed to offering education and training activities through the SOPP office every term students are on campus. These educational offerings will vary based on the needs and desires of the Community, the resources available, and specific events that require response. Orientation of students, student groups, faculty, staff, visitors and guests of the College is a part of the SOPP educational curriculum, as is research and staff development. Statistical information including number and types of complaints received will be documented for each term and made available to the Community. **See Addendum B for Educational Curriculum.**

Support:

Antioch College is committed to offering support to survivors of sexual violence. This support is provided in the form of services through the SOPP Office, Counseling Center, Wellness Center, and Infirmary. Support includes immediate response and advocacy for survivors, health services, individual counseling, group focuses, and advocacy on behalf of survivors in dealing with Antioch College and the general community. Options will be reviewed including criminal, civil and

the SOPP complaint process. Services are also available to those seeking support who have been involved in a sexual violence situation but are not the survivor. **See Addendum C for Emergency Procedures and Community Resources.**

SOPP Complaints:

Violations of Policy: Any Community Member or visitor may file a complaint when an alleged violation has occurred. It may be filed independently or with the assistance of the SOPP staff. The person who files a complaint is referred to as the Primary Witness, unless they are doing so as a Third Party Complainant. The person who is accused of violating the policy is the Respondent. **See Addendum D for Complaint Procedures. Community members do not have to file a complaint in order to receive support services or education through the SOPP office.**

Levels of Complaints: There are four levels of complaints that can be filed. Person(s) wishing to remain anonymous fill out the complaint form, do not sign the form, and submit it to the SOPP Office. Persons who are willing to sign the complaint can indicate that they want the remedies to be informal or formal. The SOPP Hearing Board hears all formal complaints involving a Community Member as Respondent. Third party complaints may be filed by anyone other than the Primary Witness or Respondent regarding an SOPP violation.

Remedies: Remedies are determined, in part, by the level of complaint filed. Persons may file a complaint but choose to pursue no remedy. Remedies are developed, whenever possible, with the intent to increase educational awareness for all parties involved.

-Anonymous complaints are shared with the Dean of Students, who in consultation with the SOPP Advocate, determines if any action can be taken. This may take the form of fixing a door lock, offering additional training for a specific group and/or issuing a campus-wide alert.

-Informal complaint remedies are developed with the Primary Witness. These include education and support activities. Informal complaints do not involve disciplinary remedies for the Respondent. The decision to file an informal complaint does not prevent the filing of a formal complaint at a later date if a satisfactory remedy can not be implemented.

-Formal complaints filed against a Community Member involve the Primary Witness and Respondent appearing before the SOPP Hearing Board. The remedies may include educational and support activities for either or both parties, and disciplinary action for a Respondent who is found to have violated the Policy. Formal complaints filed against a non-Community Member will attempt to be resolved with the assistance of the Dean of Students.

-Third Party complaints are reviewed by the SOPP Advocate and shared with the Dean of Students to determine if further action can be taken. The Primary Witness in a third party complaint may choose whether or not to participate in the complaint. Support and services are offered regardless of their decision. Multiple third party complaints about the same incident and/or Respondent are given stronger consideration and may warrant a stronger response.

Remedy Enforcement: Failure to adhere to a determined remedy will result in stronger action, including the possibility of suspension or expulsion. **See Addendum E for Remedy and Enforcement Procedures.**

Hearing Board:

Antioch College has a SOPP Hearing Board to review formal complaints that involve a Community Member as Respondent. It will react promptly and responsibly, with procedures based on legal and ethical practices. The Hearing Board Pool consists of nine Community Members (three

students, three faculty and three staff). One individual from each group takes part in Hearing Board proceedings. The Hearing Board Pool receives formal training on SOPP Hearing Board procedures and other relevant issues. **See Addendum F for Hearing Board Procedures.**

Confidentiality:

SOPP complaints and support services received through the SOPP office are confidential. Persons who do not maintain confidentiality are subject to being brought before the SOPP Hearing Board and/or the Community Standards Board.

Review:

The SOPP will be presented for Community review every four years through an open format. This review is to ensure the Policy remains a viable document that meets Community needs, based on the ever-changing Community population.

Procedures:

The SOPP Advocate and the Dean of Students, with input from interested Community Members, are responsible for developing the specific procedures used within each policy component. Procedures are based on legal and ethical parameters, and will be updated by the Advocate when necessary. All procedural updates will be reviewed and approved by the Dean of Students and college attorney(s) prior to implementation.

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Addendum A “Herstory: 1990-1996”

1990-1991

Two date rapes occurred on campus. There was a general feeling from the Community that the administration was responding with apathy and serious issues were not being dealt with. An organization of womyn calling themselves the Womyn of Antioch was formed. Womyn of Antioch wrote the original **Sexual Offense Policy** during a couple of late night meetings in the Womyn’s Center. The following Tuesday, they stormed Community Meeting, participated in a direct action in front of the Community, and presented the policy.

This original policy was quite questionable. It was not legally binding, no rights were given to the accused, and it called for immediate expulsion of the accused with no formal process. (This original document can be found in the Antioch Student Survival Guide/Handbook, in our archives, Antiochiana or through Community Government.) It was a bumpy beginning but it was just that... a beginning.

1991-1992

A half-time Advocate position was developed. It marked the birth of the Sexual Offenses Prevention and Survivors’ Advocacy Program (SOP/SAP). The first focus of this new position was to write an official policy with Community input. Six to eight open Community Meetings were held. All who were interested in having their voices a part of this process (including staff, faculty and administrators) were encouraged to attend. It was in these meetings that Community Members wrote the policy themselves. It was in these meetings that our definition of consent was written: **“the act of willingly and verbally agreeing to engage in specific sexual contact or conduct”**.

There are two distinct things that made Antioch’s policy so different than any other that has ever showed up on a college campus. The first is our definition of consent. The second is the fact that sexual offenses are seen as not just a violation of an individual, but as a violation of the Antioch Community. Non-consensual sexual activity is against Community Standards.

The 1991-1992 school year is when the first official draft of the **Antioch Sexual Offense Policy** was approved by our Administrative Council and our Board of Trustees. The half-time Advocate position became full-time and a 24-hour crisis line through the SOP/SAP office was created.

1993-1994

As the story goes...it was the summer of 1993 and a student was co-oping on the West Coast. A University of California campus newspaper was writing a piece on sexual violence on campus. The writer of this piece had learned of the Antioch policy from the co-op student and wrote about it. The Associated Press thought it was fascinating (apparently) because across the AP wire came this little blurb about a school in Ohio with “sex rules”.

The media hounded the campus. We were on the front page of the Washington Post, The New York Times; on every newsmagazine show on TV; Saturday Night Live, etc. For the most part the media missed the point of the policy. We were misrepresented and a lot of them just plain made stuff up. We all got really tired of the media attention, really fast.

Students, for the most part, remained in good spirits. Eventually the harsh media focus died down. The best outcome of all this craziness was the number of requests for the policy we got from other campuses who have since used our policy to help shape their own campus policies that deal with the issues of sexual violence.

1994-1995

From the beginning, the Antioch Sexual Offense Policy has been considered a work in progress. We knew there were flaws and in the years following 1992, after being in place for five years, these flaws became more apparent. For example:

- Community Members tried to use the policy only to be met by outside lawyers stepping in and stopping campus process.

- People who had been violated on campus were not using the policy.

- Gray areas grew as more people asked for clarity concerning certain aspects of the policy.

Also, as the years passed, people who wrote the policy graduated and new students' voices needed to be integrated so that the policy could continue to be a "Community" policy. It was recognized that revisions needed to be made.

1995-1996

The revision process was a bit more formal than the original writing of the policy. A committee was formed that included staff, students and administrators and again open Community Meetings were held for anyone interested in having input. Some of the goals of the revision:

- Clean it up.

- Add a strong focus on prevention and safety.

- Rewrite sections under close supervision and approval from the college lawyer so that it becomes a stronger document - one that would prevent outside lawyers from stepping in and stopping Community process.

After a 6-month period of revision, there were some changes. One being its name, the Antioch Sexual Offense Policy became the **Antioch Sexual Offense Prevention Policy (SOPP)**. Mostly though, there were additions, one of which was:

While Antioch exists within a larger society governed by existing laws, it is also part of Antioch's mission to strive for the betterment of both the individual and society. Thus, our standards for behavior may be broader than currently exist under state and federal laws. These Community Standards are part of Antioch's educational mission, to be dealt with through on-campus administrative means as part of the educational process. Community Members are expected to respect and uphold these standards.

During the revision process budget cuts unfortunately and questionably hit the SOP/SAP office. The program was cut in half and the Advocate position became half time. The final draft was finished May 16, 1996 and it was approved by our Administrative Council and Board of Trustees.

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Addendum B Educational Curriculum

The SOPP Advocate is responsible for creating an educational plan at the start of each term that students are on campus. The plan should include goals within the following areas:

- Orientation
 - Training
 - Educational Programs
 - Research
 - Staff Development
-

Orientation will be provided to new students. The SOPP will be reviewed and examined, in small groups when possible, to ensure each individual's comprehension of the policy. Interactive approaches such as skits, speakers, videos and discussion may be used to educate students on topics such as: history of the SOPP, incorporating the SOPP into your life, respect of self and others, unimpaired judgement, safer sex practices, how to ask for consent, and ways to say no. SOPP Educators will coordinate times with Resident Assistants to attend Hall Meeting and respond to any unanswered questions. An overview of the SOPP will also be provided to prospective students, campus visitors, and guest performers.

The SOPP Advocate or the Director of Counseling and Wellness will provide SOPP **training** to the SOPP Coordinator and SOPP Educators at the start of each term. Training will be offered to Security, Faculty, Staff and Community Government at least once each school year and additionally as needed. Resident Assistants/Coordinators and Events Staff will be offered training each term.

At least two **educational programs** will be offered as a part of the educational plan. Programs should include topics that will enhance understanding, maintain knowledge, and provide awareness on how to effectively use the SOPP. The SOPP Office is responsible for maintaining an account of educational programming attempts and the perceived effectiveness of the program. This account is to be used by SOPP staff when planning future programming. Possible topics include:

- The SOPP- A Historical Overview
- Understanding and Using the SOPP
- Erotic Consent
- Having Fun while Using Safer Sex Practices
- Self-defense
- Ways to Prevent Sexual Assault
- Intimate Relationship Violence
- Safety on Co-op and how to Access Resources
- Alcohol, Drugs and Sex
- Sex and Respect for Self and Others
- How to Say "NO" (Assertiveness Training)
- Using the SOPP in Casual and Long Term Relationships

- Integrating the SOPP into the Classroom
- Life after Antioch-Using the SOPP in the Real World

Other important programming topics include sexuality and racism, sexuality in the GLBT population and gender issues. The variety of subjects encompassing these topics is too numerous to list individually.

The SOPP Office will remain current on issues that are pertinent to the SOPP. The Office will maintain statistics on the number and types of complaints received each term and provide this information to the Community. Access to publications for interested parties and those doing **research** will be provided. The SOPP library has information on sexuality, sexual assault, violence, survivorship and the legalities of sexual assault.

The SOPP **staff** will pursue **development** of their skills through attendance at training functions, educational programs and conferences.

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**Addendum C
Emergency Procedures**

The SOPP Office works in conjunction with the Dean of Students and Security to provide immediate response for those in an emergency situation.

If You Have Been Sexually Violated:

- Find a safe environment away from your attacker (it need only be temporary). When possible, ask a trusted person to stay with you and assist you with getting help.
- To obtain immediate medical care or to contact the police, phone 911 for emergency services. (To provide proof of a criminal offense, evidence must be preserved. Do not use the toilet, bathe, brush your teeth, or change clothing prior to a medical/legal exam.)
- On weekdays, contact the SOPP Office (937-769-1127,1130) or the Dean of Students Office (937-769-1160).
- On nights and weekends, Security should be notified (937-974-2870). Security will contact the Dean of Students and an SOPP professional staff person.
- SOPP professional staff, the Dean of Students, or Security will provide immediate assistance with safety issues such as relocation to a safe place.
- SOPP professional staff will support you throughout the emergency situation. They will go with you or meet you at the hospital, stay with you during the interview process, assist you with getting to a safe place, and help you with contacting other support persons.
- SOPP professional staff will provide support beyond the emergency situation. They will work with you to advocate for your needs, assist you with filing a criminal, civil and/or SOPP complaint (if desired), and connect you with health care and counseling resources.
- Obtaining services through the SOPP Office is voluntary.
- All services through the SOPP professional staff are confidential.
- Services through the SOPP Office may be requested at any point after an incident of sexual violence has occurred.
- The SOPP Office provides service to all Community Members and does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, age, political affiliation, marital status, or physical handicap (see Affirmative Action Policy). Additionally, the SOPP Office provides service to Community Members regardless of appearance, level of ability, gender identity, or gender expression.

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**Addendum C (cont.)
Community Resources**

Note: (*) indicates that resources from these agencies are in the SOPP Office and Counseling & Wellness Center. Materials for other agencies (including national) are available as well.

Antioch College:

Campus Security	974-2870	4:00pm-8:00am on Weekdays, 24 Hours on Weekends
Dean of Students Office	769-1160	9:00am-5:00pm, Weekdays
SOPP Office	769-1127	10:00am-5:00pm, Tuesday-Friday
Counseling and Wellness Center	769-1130	9:00am-5:00pm, Weekdays
Wingfield Health Ctr (Infirmary)	769-1199	9:30am-5:00pm, Weekdays
Nurse	769-1198	12:30pm-5:00pm T-W-Th

Greene County:

Attorney Referral Service	222-8104	(Dayton Bar Association)
Greene County Sheriff	376-5011	
*Family Violence Prevention Center	376-8526	Shelter and Services 372-4552/ 426-2334 Crisis Lines
*Health District	374-5662	Health Education, STI/HIV/Pregnancy Testing
Legal Aid	1-888-534-1432,	www.legalaidline.org
*Planned Parenthood	754-4633	(basic medical office, no sliding fee)
*TCN (The Community Network) Mental Health	376-8701	Crisis Line
*Victim Witness	562-5087	Students can go through their training. 376-5111 Crisis Line
Yellow Springs Police	767-7206	
<u>Clark County:</u>		
Clark County Sheriff	328-2523	
Planned Parenthood	325-7349	Sliding Fee/No Fee Available
*Project Woman	328-5308	Victims/Survivors of Sexual and Domestic Violence 1-800-634-9893 Crisis Line
*Victim Witness	328-2583	

(Crisis assistance available only through Sheriff's office.)

Montgomery County:

*Artemis Center

461-5091 Services for Domestic Violence
222-SAFE (7233) Crisis Line

Montgomery County Sheriff

225-4357

*Planned Parenthood

226-0780 Sliding Fee Available
Sexual Assault Resource Center available

*Victim Witness

225-5623 Crisis Line

*YWCA

222-SAFE (7233) Crisis Line
222-8946 Shelter Services

Columbus/Central Ohio/Ohio:

Ohio Coalition on Sexual Assault

(614) 781-1902 Community Education and Advocacy

Stonewall Anti-Violence Project

(614) 299-7764 Assists victims of hate crimes.
Offers self-defense training and community education.

National:

RAINN National Sexual Abuse

1-800-656-HOPE (4673) Hotline
Provides nearest crisis line and support services.

Note: All numbers are area code (937) unless otherwise noted.

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**Addendum D
Complaint Procedures**

The SOPP Office is responsible for responding to complaints alleging a violation of the SOPP.

Complaint Process:

- Complaint Forms are available in the SOPP Office, Counseling and Wellness Center, Dean of Students Office and from Resident Assistants.
- You may file a complaint independently or with the assistance of SOPP staff.
- Complaints should be submitted to the SOPP Office. This may be done in person, anonymously, or with the assistance of a third party person.
- The SOPP Advocate reviews all complaints and will forward a copy to the Dean of Students.
- The SOPP Advocate and Dean of Students will work together on anonymous complaints to determine what further action should be taken.
- Response to informal, formal and third party complaints begins with the SOPP Advocate contacting the person who filed the complaint. Issues of personal health and safety will be addressed, then the complaint will be reviewed and possible remedies discussed.
- The SOPP Hearing Board hears all formal complaints. The SOPP Advocate is charged with contacting members of the Hearing Board Pool and scheduling all Hearing Board proceedings in a timely manner.

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**Addendum E
Remedy and Enforcement Procedures**

Remedies:

When the SOPP is violated, a remedy is determined. Remedies are designed to be educational in nature whenever possible. They may be directed at any or all parties involved in the complaint.

Anonymous, informal and third party complaints involve remedy development by the Primary Witness, SOPP Advocate and Dean of Students. The SOPP Hearing Board determines remedies for formal complaints. Remedies are not equivalent to criminal sentences; therefore, SOPP violations do not mandate specific remedies. A remedy's severity is directly related to the severity of the policy violation.

Types of remedies include:

- Community Service
- Mediation (available only for nonphysical complaints)
- Restitution
- Mandatory STI Testing and Reporting to Primary Witness
- Treatment such as Alcohol, Drug or Behavioral
- Limited or No Access to Primary Witness
- Limited Access to any or all Campus Areas and Co-op Jobs
- Banning from any or all Campus Areas and Co-op Jobs
- Suspension
- Expulsion
- Other Remedies as determined appropriate based on violation and circumstance

When the SOPP Hearing Board determines that the SOPP has been violated, and the violation involves a campus safety issue, the Dean of Students will announce this to the Community.

Enforcement:

Remedies are to be adhered to within stated timeframes. Failure to do so will result in stronger action such as additional remedies or disciplinary action by the Dean of Students. Ongoing non-compliance may lead to suspension or expulsion.

Reported violations of a remedy may be directed to the SOPP Advocate or Dean of Students. Safety issues should be immediately reported to Security.

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**Addendum F
Hearing Board Procedures**

The SOPP Hearing Board is the group empowered by Antioch College to respond to **formal complaints** that involve a Community member as Respondent. As such, the Hearing Board is designed to react promptly and responsibly. The following procedures are based on legal and ethical practices, and are subject to change or adjustment as new rulings, findings, and legislation occur.

Selection:

- Nine Community Members (three each of students, faculty and staff) are chosen to become the **Hearing Board Pool**.
- The pool of members is **nominated** by the following groups and individuals:

-students: ComCil, Community Government, Advocate
-staff: AdCil, Union leadership, Advocate
-faculty: Dean of Faculty, Advocate

- The nominees are **approved** by AdCil, and serve for a full year term (September to August).
- Should students appointed to the pool leave campus, **AdCil** will appoint new student members.
- Hearing Board members receive **formal training** on both procedures and relevant issues (rape trauma response, sexual harassment, etc.).

Operations:

- The Hearing Board will consist of **one member** from each group: student, staff, and faculty. The Advocate and Dean of Students will participate as non-voting members of the Hearing Board.
- All **sessions** of the Hearing Board are closed, not publicized, confidential, and called as soon as possible following a formal complaint.
- In the event that a formal complaint also involves **criminal charges**, the Hearing Board may choose to hold hearings to ascertain Primary Witness and Community safety, or opt to postpone the hearing until after resolution of those charges. The potential outcome of any court case is not to be considered by the Hearing Board in its deliberation process.
- The Hearing Board reserves the **right to refuse** to hear a complaint or to discontinue a hearing with just cause.
- Antioch College may have an **attorney(s)** present for any or all portions of this process.
- All **records** are maintained in confidence and submitted to the college attorney(s). The Hearing Board deliberation notes are included in this packet along with all evidence submitted and the audiotapes of testimony.

Chairperson's Responsibilities:

- The Chairperson is **selected** by the three member Hearing Board, and serves as coordinator of the process.
- The Chairperson **chairs** the hearing process, introduces all persons, asks each Primary Witness, Respondent and witness if they understand the nature of the process, and reminds them of confidentiality.
- The Chairperson maintains the **pace and flow** of the hearing; and helps the Hearing Board reach consensus.
- The Chairperson prepares a **written report**, and helps collect all materials to be sent to the college attorney(s).
- The Chairperson may act with the Dean of Students (DOS) and Advocate to **notify** the Primary Witness and Respondent of determined remedies.
- The Chairperson may develop with the DOS and Advocate any **public notification** (which is disseminated by the DOS).

Advocate's Role:

- The Advocate, along with the DOS, is a **non-voting member** of the Hearing Board.
- The Advocate is **responsible** for assisting in the nomination of Hearing Board Pool members and assuring a random selection (avoiding conflicts of interest).
- The Advocate is **responsible** for coordination and training of Hearing Board Pool members.
- The Advocate is responsible for **initiating** a Hearing Board upon receipt of a formal complaint that involves a Community Member as Respondent.

- The Advocate, in coordination with the Chairperson and DOS, **notifies** all parties involved in the hearing, arranges all locations, dates, materials, etc. needed for the hearing process. The Advocate ensures that the Primary Witness, Respondent and witnesses sign all necessary forms and documents.
- The Advocate is charged with maintaining a **fair and efficient** application of the SOPP during all Hearing Board processes.

Evidence and Testimony:

- The Hearing Board will hear **testimony** from the Primary Witness, any witness for the Primary Witness, the Respondent, and any witness for the Respondent. Additionally, any other evidentiary materials submitted by the parties will be reviewed.
- Testimony from the Primary Witness, Respondent and witnesses are **scheduled** at different times to ensure safety. Only the testifying person, the three person Hearing Board, the non-voting members, and the college attorney(s) are permitted in the session. Persons testifying may bring a support person who will remain in a room nearby.
- All testimony is **audio taped**. All testimony tapes are made available to be heard by the other party (i.e. the Respondent may hear the Primary Witness' testimony and vice versa) in the presence of the Advocate who maintains the chain of custody of the tapes.
- Both the Primary Witness and the Respondent are asked to testify a **final time** to allow response to the audio taped testimony, to solicit suggestions for remedies, and to clarify any remaining questions.
- Specific information relevant to the alleged violation(s) and persons who can relate **first-hand knowledge** of the situation may be asked to testify by the Hearing Board. These persons have the right of refusal.
- The Hearing Board will hear from up to two **character witnesses** for each party. The acceptance of affidavits or written testimony from other persons shall be left to the discretion of the Hearing Board.
- The Hearing Board is **not restricted** to legal Rules of Evidence.
- All persons who testify before the Hearing Board agree to keep the process **confidential** and sign agreements stating they agree to be truthful in their testimony and to not release any information.
- Only Hearing Board members **ask questions** of the witnesses.
- A **Preponderance of Evidence** supporting the complaint is necessary in order for the Hearing Board to find that a violation of policy has occurred.

Remedy:

- The Hearing Board will **determine** that the policy has or has not been violated.
- The Hearing Board will **deliberate** based on the evidence heard, and determine a remedy for the Respondent, Primary Witness, or both (See Addendum E for Remedies).
- The Hearing Board may ask the Primary Witness to offer remedy **suggestions**.
- Once a determination is made regarding violation and remedy, the Chairperson will write the Hearing Board's **report**, and consult with the Advocate and DOS concerning notification (see Chairperson's responsibility above).
- The DOS will make any **public notification** to the community; the DOS and Advocate expedite the remedy; the DOS enforces the remedy. (See Addendum E for Remedy and Enforcement Procedures.)

Appeal Process:

- The Respondent and Primary Witness have a **right to appeal** the Hearing Board's decision.

- Appeals must be made **in writing** within **72 hours** of the decision.
- The DOS **reviews and decides** all appeals.
- The DOS decision is **final**.