

Document XXXI

PROCEDURES GOVERNING HEARINGS BY THE DISCRIMINATION AND SEXUAL HARASSMENT APPEALS COMMITTEES

1. Members of the University community who feel they have been the victim of discrimination or sexual harassment and whose attempt to resolve the matter through the informal procedure have been unsuccessful, may request a formal hearing.
2. The University President upon written request shall appoint a committee of five (5) to seven (7) members. The Committee shall be selected from members of the University community and shall be representative of all parties to the grievance. The President will select one member to chair the Committee.
3. One of the primary purposes of the Committee is the provision of a fair investigation of a grievance for the purpose of ascertaining the facts of the complaint and making a recommendation to the President. The Committee shall hold a hearing if it feels a hearing is necessary.
4. The Committee shall hold closed hearings. Proceedings shall not be recorded.
5. All evidence submitted is for use and information of the Committee and shall be the property of the Committee.
6. The Committee stresses the fact that the matters it considers are serious and all parties shall have a professional responsibility for the accuracy of their testimony and other evidence offered.
7. The Committee demands that order, dignity and courtesy be maintained at all times in a hearing.
8. The chairperson of the Committee shall send to all parties written notice of the date, time and place of a hearing, which has been set up by the Committee. The Chairperson shall also send the current statement of the appropriate procedures of the Committee and the names of the members of the Committee.
9. The Committee shall determine the formality or informality of its meetings.
10. Either party may be accompanied by an attorney, and/or other person of his/her choosing, in attendance at the hearing, whose role is limited to advising and does not include presentation.
11. Legal rules of evidence do not apply. Relevant evidence to support the grievance may be presented by witnesses personally appearing and testifying, by statements of witnesses who cannot be present and by documentary evidence in the form of photographic copies or incorporated by reference. Other evidence may be photographed or described for the record. All evidence shall be presented to the Committee and identified. All witnesses are to speak the truth to the best of their knowledge.
12. The Committee shall hear the grievance and the alleged offender's response separately.
13. The parties shall be allowed to present witnesses to the Committee. Witnesses will be heard separately.
14. The Committee has the right to counsel in conducting its business.
15. The Committee may call for any additional evidence, witnesses and testimony it deems necessary. The administration shall make available all documents and other evidence requested

by the Committee. The University shall make every attempt to have the requested witnesses appear before the Committee.

16. The Committee recognizes that it is difficult to formulate a set of procedures which can anticipate and accommodate all possible circumstances. Therefore, the Chairperson is empowered to rule on all questions of procedure. When it is deemed necessary, the Chairperson may call a recess at any time and ask the Committee for a private discussion of and assistance in a ruling.
17. In addition to his/her responsibilities of presiding over meetings, the Chairperson shall exercise full voting privileges.
18. The Committee may seek to bring about a settlement of the issue(s) satisfactory to all parties.
19. At the close of the hearing, the Committee shall convene in a closed session to formulate a recommendation concerning the grievance. The recommendation will be presented to the President in writing. After consideration of the recommendation, the President will issue a response in writing to the Grievant and the alleged offender. A copy of that response will be sent to the Chairperson of the Grievance Committee.