1. **Definitions**
2. Party – Respondent in all proceedings. Complainant in certain proceedings and by rule.
3. **Informal settlements**
4. Except to the extent precluded by another provision of law and subject to approval by agency order, informal settlement of matters that may make unnecessary more elaborate proceedings under this chapter is strongly encouraged. Agencies may establish by rule specific procedures for attempting and executing informal settlement of matters. This section does not require any party or other person to settle a matter
5. **Notice**
6. Service via University email
7. If a party fails to respond to notices or does not participate in the conduct proceeding at any stage of the proceeding, the institution may move forward with the conduct proceeding without the participation of a party.
8. **Standard of Proof**
9. Preponderance of the evidence…
10. **Initial Determination in Conduct Proceeding**
11. Prior to issuing a determination regarding responsibility and, if applicable, the sanction, the institution [shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence.]
12. In conduct proceedings where the sanction could be suspension of 10 days or more, dismissal, or XXXXXX, the institution shall, by rule, adopt section 7 or section 8 of this chapter in order to accomplish this provision and must describe, by rule, the procedures identified in those sections.
13. **Investigation**
14. Once a conduct officer has initiated a conduct proceeding, during the investigation, the conduct officer will provide the parties with the opportunity to participate in the conduct proceeding by allowing them to review the allegations, provide evidence, identify witnesses with relevant knowledge, respond to evidence provided by others, and provide the conduct officer with suggested questions for others.
15. As part of the investigation process and prior to its completion, the conduct officer will notify and provide the opportunity to meet separately with the complainant, the respondent, and third-party witnesses. Each party will also be asked to identify witnesses, and provide other relevant information, such as documents, communications, photographs, and other evidence. The conduct officer is responsible for gathering reasonably available evidence and information.
16. **Investigation Report and Determination.**
17. After all reasonably-available and relevant evidence has been gathered, a preliminary investigation report will be prepared that must include, as applicable, either a copy or written summary of any relevant information and evidence collected during the investigation. The preliminary report will describe and reconcile any conflicting information and evidence and will describe any assessments of credibility. The preliminary investigation report will not contain any determination relating to responsibility or proposed sanctions.
18. The parties will be given no less than XX days to review the preliminary investigation report and provide feedback in response, including any comments, additional evidence, requests for additional investigation or questions to be asked of other parties or witnesses, names of additional witnesses, or any other information they deem relevant to the investigation.
19. In the event that new, relevant information is provided or identified the parties, this information will be considered, including when describing and reconciling conflicting evidence, and it will be added to the preliminary investigation report.
20. In the event that new, relevant information is provided or identified the parties, this information will be considered, including when describing and reconciling conflicting evidence, and it will be added to the preliminary report. If warranted to respond to new any information, the parties may be provided a second opportunity to review and provide feedback regarding the new information before a final report is completed.
21. The investigation report will be finalized and will include a determination based on the standard of proof whether the Respondent has been found responsible for engaging in prohibited conduct as set forth in the institution’s rules and the reasons for those findings.
22. The institution may, by rule, designate the same representative or a different representative to make the decision regarding the sanction, if the respondent is found responsible. When the decision regarding the sanction is made, the reasoning for the sanction must also be provided.
23. **Hearing**
24. Institutions may designate, by rule, a single representative or multiple representatives to form hearing panels to make the initial determination in a conduct proceeding. If utilizing a panel, the institution shall designate by rule how decisions are made.
25. No less than seven days prior to the hearing, the parties must be provided with the record of the investigation, which will include all evidence gathered by the institution and all evidence provided and witnesses identified by the parties.
26. Prior to or during the hearing, the parties must also be given an opportunity to object to evidence in the record and submit new evidence and if not identified during the investigation, an explanation of why it was not provided or identified.
27. The record of the investigation will be admitted as evidence for the hearing, except such portions that were determined to be not relevant or inadmissible.
28. At the hearing, all parties must be provided with the opportunity to present evidence and argument on all issues involved, including the opportunity to offer questions for the other parties and witnesses that will elicit evidence relevant to the proceeding. Other parties may offer reasonable and relevant objections to questions offered, but the institution will make the final decision regarding the questions.
29. Institutions shall have the authority to regulate hearings…
30. At the discretion of the institution, and where the rights of the parties will not be prejudiced thereby, all or part of the hearing may be conducted by telephone, television, or other electronic means.
31. The hearing must be recorded by a method chosen by the institution.
32. [Typically not open to the public]
33. Following the hearing, a report will be issued that includes a written summary of any relevant information collected during the hearing and will describe and reconcile any conflicting evidence and will note any assessments of credibility. The report will include a determination based on the standard of proof whether the Respondent has been found responsible for engaging in prohibited conduct as set forth in the institution’s rules and the reasons for those findings.
34. The institution may, by rule, designate the same representative or a different representative to make the decision regarding the sanction, if the respondent is found responsible. When the decision regarding the sanction is made, the reasoning for the sanction must also be provided.
35. **Administrative Reviews**
36. Institutions shall, by rule, provide the parties with an opportunity to request an administrative review within the institution regarding the determination of responsibility and, if applicable, the sanction. A party will be provided with no less than XX days to request an administrative review and, if not requested, then the determination will become final.
37. Institutions may designate, by rule, a single representative or multiple representatives to form review panels. If utilizing a panel, the institution shall designate by rule how decisions are made.
38. [Grounds and Scope of decisionmaking authority…]