CARLETON COLLEGE
Community Board on Sexual Misconduct (CBSM)
Resolution Meeting with a Panel (RMP) Procedures and Appeal Procedures

More detailed information about Carleton’s Policies Against Sexual Misconduct and a CBSM Panel Resolution Meeting procedures is available online at go.carleton.edu/sexual_misconduct.

1) The Title IX Coordinator/Chair will call the Resolution Meeting with a Panel to order and state the purpose of the meeting: to determine whether it is more likely than not that there has been a violation of the College’s Community Standards and, if a violation has occurred, to assign appropriate sanctions. The meeting will be recorded for documentation of attendance, and for appeal purposes.

Complainant and Respondent are both in their separate listening rooms at the start of the Resolution Meeting. Steps 1-3 will happen with only the panelist, chair and investigator in the meeting room.

2) Introductions will be made by all participants in both the meeting room and two listening rooms, and recorded for documentation to identify who is participating in the meeting with a panel.

3) The Investigator will present the Investigative Summary (5-10 minutes). The Panel may ask clarifying questions and identify areas of agreement and dispute.

4) Complainant will enter the meeting room.

5) Complainant is present with the panel first and introductions are made—each person involved in the meeting will introduce themselves. The Respondent will listen from a separate room. The complainant can make opening remarks at this time.

6) Respondent meets with the panel second and introductions are made—each person involved in the meeting will introduce themselves. The respondent can make opening remarks at this time.

7) Members of the Panel may ask questions of the Complainant, such as clarifying questions about remarks and the Investigative Summary.

8) Complainant will leave the meeting room and go to the listening room. The Respondent will leave the listening room and enter the meeting room.

9) Members of the Panel may ask questions of the Respondent, such as clarifying questions about remarks and the Investigative Summary.

10) Respondent will leave the meeting room, and return to their listening room.

11) Witnesses may be invited in to the meeting to present their information and answer questions from the Panel. Witnesses will not be permitted in the meeting until they are asked to appear before the Panel, and will leave immediately afterward. The Title IX Coordinator/Chair determines if witnesses need to be present.

12) The Chair will call for the members of the Panel to discuss areas of dispute and determine whether any additional clarification or information is needed from the Complainant, Respondent, Investigator, or Witnesses.

13) The Respondent is invited back the meeting room to provide any final remarks to the Panel (5-10 minutes). The Complainant would remain in their listening room.
14) The Complainant is invited back to the meeting room to provide any final remarks to the Panel (5-10 minutes). The Respondent would remain in their listening room.

15) The Panel may ask the Investigator, Complainant, the Respondent, and/or Witnesses to answer further clarifying questions. As appropriate, those individuals would be asked to return to the Resolution Meeting room.

16) The Chair will close the Resolution Meeting. The Panel will go into closed session to determine whether a violation of policy occurred at a preponderance standard. The recorder will be turned off at this time.

17) Once the Panel has reached a decision, the Title IX Coordinator/Chair will verbally report the finding of violation or no violation to the Complainant and Respondent, each separately.

A POLICY VIOLATION IS NOT FOUND

18) If a policy violation is not found, the following day or whenever reasonably practical, both parties will meet separately with the Title IX Coordinator/Chair and will receive a letter stating the outcome of the Panel Resolution Meeting. If interim measures were in effect, those interim measures will no longer be required.

A POLICY VIOLATION IS FOUND

If a violation has been determined, after a designated time (typically 20 minutes), the parties will be invited back separately into the Panel Resolution Meeting room to share an impact and sanction statement with the Panel, which would result in questions from the Panel. This portion of the meeting is recorded.

19) The Complainant meets first with the panel while the Respondent is in a listening room. The Complainant shares an impact and sanction statement with the Panel.

20) Members of the Panel may ask the Complainant clarifying questions about the impact and sanctions statement.

21) The Respondent will meet with the panel while the Complainant is in a listening room. The Respondent shares an impact and sanction statement with the Panel.

22) Members of the Panel may ask the Respondent clarifying questions about the impact and sanctions statement.

23) The Panel will go into closed session to determine appropriate sanctions. The recorder will be turned off at this time.

24) The following day or whenever reasonably practical, both parties will meet separately with the Title IX Coordinator/Chair and will receive a letter stating the outcome of the Resolution Meeting with a Panel.

APPEAL

Either party has the right to appeal the decision of the CBSM Panel. The purpose of an appeal is to review the adjudication process. Appeals are accepted on the basis of one or more of the following criteria:

1) procedural errors that may have substantially impacted the final decision;
2) relevant new information that was not available at the time of the resolution meeting, and would have substantially affected the Panel's decision;
3) sanctions that are substantially inconsistent with past institutional responses.

The right of appeal is contingent upon participation in the investigative and resolution meeting process. An appeal must be made in writing to the Title IX Coordinator within five business days of the date that the party receives notification of the Panel's decision and imposed sanctions (which is generally the day of the resolution meeting).

An appeal will generally follow the process outlined below. Please note that the original sanctions are immediately put in place after the CBSM makes a determination. The sanctions continue during an appeal process.

The VP/Dean of Students will first determine if an appeal is warranted, based on any of the above three criteria. If an appeal is allowed, the VP/Dean of Students will determine next steps. Below is general format of the appeal process:

1) A student will submit a written appeal indicating on what grounds they are appealing, along with the specific argument or rationale to support the appeal. Written appeals must be delivered to the Title IX Coordinator/CBSM Chair within 5 business days of the date that the party receives notification of the Panel's decision and sanctions.

2) The Coordinator/Chair will communicate the nature of appeal to the VP/Dean of Students (or the VP’s designee) to review the appeal.

3) The Coordinator/Chair will communicate the details of the appeal to the other party(s) involved in the complaint.

4) If the appeal is regarding procedure, the Chair of the CBSM will be consulted and the record of the resolution meeting will be reviewed. If a procedural error is determined, a new panel may be asked to re-hear the case, or the same panel may be reconvened, depending on the nature of the procedural error.

5) If the appeal is regarding new information, the VP will consult with the Chair of the CBSM who will then communicate with the CBSM panelists to see if this new information may have substantially impacted the outcome of the resolution meeting. If it is determined that the new information may have substantially impacted the outcome, the same CBSM panelists will review the new information and make a new determination.

6) If the appeal is regarding inconsistent sanctions, the VP will review past sanctions and make a determination regarding whether to impose different sanctions consistent with past practices.

7) The appealing student may meet with the Coordinator/Chair and/or the VP reviewing the appeal, if the VP has any clarifying questions or needs additional information to move forward with the appeal.

8) If relevant, the Chair of the CBSM will submit to the VP an informational response to the appeal, detailing the Panel's procedures and decision-making process with regards to the issue being appealed. The VP may also meet with the Chair if the VP needs clarification on any information.

9) The VP will notify both parties (appealing student and the other party(s) to the complaint process) in writing as to her/his determination regarding the appeal.

The VP will act upon a written appeal within a reasonable time period, normally five business days after receipt of the appeal. Decisions of the VP are the final institutional response and may not be appealed.