**Resolution to Modify Campus Code to Clarify the Rights of Complainants to Appeal Summary Decision Agreements**

**WHEREAS** pursuant to Article 3, Section 3.1 of its charter the University Assembly (the Assembly) may propose changes to the Campus Code of Conduct (the Code) subject to the University President's approval.

**WHEREAS** several aspects of the rights of complainants to appeal have been confusing to members of the community and should be clarified,

**RESOLVED** the following changes be made to the Code:

*1. To Title Three, Article III, C.4 on p. 22,*

4. The Judicial Administrator shall notify the complainant ~~no more than~~ two business

days after the summary decision becomes final or after he or she otherwise decides not to

file charges, or as soon as practicable thereafter. A delay on the part of the Judicial Administrator shall not negatively impact the complainant’s rights to appeal, as articulated below. The accused student is encouraged to confirm with the Judicial Administrator that the notice has been made.

*2. To Title Three, Article III, C.5 on p. 22 - 23,*

5. If ~~the~~ an individual complainant is dissatisfied with the summary decision or with the decision of the

Judicial Administrator not to file charges, he or she may petition the Judicial Administrator

in writing to show cause for the decision before the University Hearing Board. An complaint brought on behalf of the university or on behalf of a victim who is not a complainant does not carry this right to appeal the decision of the Judicial Administrator. The right to petition belongs exclusively to the individual complainant and nothing in this section is intended to create a right for the accused.

For matters where an appeal is permitted, this ~~This~~ petition must be received by the Judicial Administrator within three calendar days after the individual complainant’s receipt of the Judicial Administrator’s notice of the nonaction or summary action. The triggering event for the timing of the due date is the receipt of the notice, not the date of the summary decision, nor the date of the decision not to file charges. The Judicial Administrator shall promptly forward the petition to a Hearing Board Chair. The University Hearing Board shall meet to consider the petition within 21 calendar days of receipt of the petition by the Judicial Administrator. That board can:

a. uphold the decision of the Judicial Administrator in whole or in part;

b. order the Judicial Administrator to reopen the investigation; or

c. order the Judicial Administrator to file charges so that the case can be adjudicated by

the University Hearing Board.

**RESOLVED** on adoption by the Assembly this resolution be conveyed to President Skorton for his consideration and approval.

**Respectfully submitted,**

{sponsor must be voting member of UA}