



University Assembly - Codes and Judicial Committee R. 2: Resolution to Modify Campus Code to Clarify the Rights of Complainants to Appeal Summary Decision Agreements

*Sponsor: Greg Mezey on behalf of Mary Beth Grant
Propose on February 19th, 2013*

- 1 WHEREAS pursuant to Article 3, Section 3.1 of its charter the University Assembly (the
2 Assembly) may propose changes to the Campus Code of Conduct (the Code) subject to the
3 University President's approval.
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- 5 WHEREAS several aspects of the rights of complainants to appeal have been confusing to
6 members of the community and should be clarified,
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- 8 RESOLVED the following changes be made to the Code:
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- 10 To Title Three, Article III, C.4 on p. 22,
11
- 12 The Judicial Administrator shall notify the complainant *no more than* two business
13 days after the summary decision becomes final or after he or she otherwise decides not to
14 file charges**, or as soon as practicable thereafter. A delay on the part of the Judicial
15 Administrator shall not negatively impact the complainant's rights to appeal, as articulated
16 below. The accused student is encouraged to confirm with the Judicial Administrator that the
17 notice has been made**.
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- 19 To Title Three, Article III, C.5 on p. 22 - 23,
20
- 21 If *the* **an individual** complainant is dissatisfied with the summary decision or with the
22 decision of the
23 Judicial Administrator not to file charges, he or she may petition the Judicial Administrator
24 in writing to show cause for the decision before the University Hearing Board. **An complaint
25 brought on behalf of the university or on behalf of a victim who is not a complainant does not
26 carry this right to appeal the decision of the Judicial Administrator. The right to petition belongs
27 exclusively to the individual complainant and nothing in this section is intended to create a right
28 for the accused.**
29
- 30 **For matters where an appeal is permitted, this ** *This* petition must be received by the
31 Judicial Administrator within three calendar days after the **individual** complainant's receipt
32 of the Judicial Administrator's notice of the nonaction or summary action. **The triggering event
33 for the timing of the due date is the receipt of the notice, not the date of the summary decision,
34 nor the date of the decision not to file charges.** The Judicial Administrator shall promptly
35 forward the petition to a Hearing Board Chair. The University Hearing Board shall meet to
36 consider the petition within 21 calendar days of receipt of the petition by the Judicial
37 Administrator. That board can:
38 a. uphold the decision of the Judicial Administrator **in whole or in part**;

- 1 b. order the Judicial Administrator to reopen the investigation; or
- 2 c. order the Judicial Administrator to file charges so that the case can be adjudicated by
- 3 the University Hearing Board.

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