

# Dispute Resolution in the ICC

## The ICC Social Contract

When members choose to sign a contract with the ICC, they accept the rights and responsibilities of membership in the ICC’s housing and social community. As part of the ICC community, members are responsible for upholding shared values. Because the ICC establishes standards for membership, these standards of conduct, while falling within the limits of the law, may exceed federal, state, local, or academic requirements. The ICC considers these rules and procedures for resolving disputes a part of its educational mission and is committed to processes which provide both peer review and mediation.

Members are expected to settle disputes and address uncooperative behavior at the House level whenever possible, using procedures outlined in their House constitutions and ICC Standing Rules. Typically one or more informal or alternative resolution options are attempted at the House level before more formal options are enacted. Further resources regarding the conflict resolution process are provided in Chapter 6 of these Standing Rules and the Supplemental Conflict Resolution Guide, which can be found in the ICC office or by contacting members of Dispute Assistance and Resolution Team (DART)

**MEMBER RIGHTS & RESPONSIBILITIES:** ICC members in good standing have the following rights and responsibilities:

RIGHTS	RESPONSIBILITIES
A. To live and/or board in their assigned House and room during the period of their contracts.	a. To refrain from behavior which in any way prevents or discourages another member from living and/or boarding in their assigned House or room during the period of their contract.
B. To live and/or board in a democratically managed House under the auspices of a democratically run organization.	b. To regularly attend House meetings and participate actively, or through their elected representatives, in the governing of

	<p>their House and the ICC. To keep abreast of all House and ICC communications such as emails, newsletters, calendars, and website updates.</p>
<p>C. To live and/or board in a House, and room, which are clean and sanitary.</p>	<p>c. To share in whatever work is required to keep the House and boarding coop clean, sanitary, in good repair, safe and secure, and operating properly.</p>
<p>D. To live and/or board in an assigned House and room which are safe and secure.</p>	<p>d. To abide by all House and ICC security measures. Lock doors, windows, and rooms appropriately. Monitor all guests. Manage keys and lock combinations responsibly. Respect the property and privacy rights of others. Refrain from all illegal activities.</p>
<p>E. To live and/or board in a House and room free from abuse, harassment and prejudicial behavior of any kind.</p>	<p>e. To refrain from any actions that would discriminate against, harass or abuse another member; or cause physical, emotional, or psychological harm.</p>
<p>F. To privacy in their assigned room.</p>	<p>f. To respect the privacy rights and personal space of others.</p>
<p>G. To access all House and ICC rules, policies, and financial records.</p>	<p>g. To pay all House and ICC charges in a timely manner. Familiarity with the ICC Standing Rules, Bylaws, policies, contracts, and House constitutions.</p>
<p>H. To a balanced and fair system of dispute resolution and due process.</p>	<p>h. To work proactively to resolve disputes in a forthright, peaceful and civil manner – beginning at the House level whenever possible and</p>

	appropriate
I. To trained and competent House Officers; including protection from capricious or irresponsible decision making.	i. To communicate and cooperate with House Officers in the execution of their duties. To hold Officers accountable and provide constructive feedback at appropriate times and places. To be familiar with the ICC Standing Rules, and House constitutions and membership contract. Attend and actively participate in relevant meetings.

**COOPERATIVE BEHAVIOR DEFINED:** Cooperative behavior is that behavior which supports the successful functioning of cooperative operations and governance and contributes to the general wellbeing of co-op members and the ICC organization. Accordingly, cooperative behavior embodies and reflects the following ICC Core Beliefs and Values as laid forth in the Preamble to these Standing Rules:

- A. Equality
- B. Member Control
- C. Individual responsibility
- D. Sustainability
- E. Cooperation
- F. Self-reliance
- G. Diversity
- H. Community
- I. Participation
- J. Stewardship

**6.6 UNCOOPERATIVE BEHAVIOR DEFINED:** Uncooperative behavior is behavior which impedes or obstructs the successful functioning of cooperative operations, and/or threatens the general wellbeing of co-op members. Members may be sanctioned for uncooperative behavior in accordance

with these Standing Rules. Uncooperative behavior includes any behaviors which conflict with any of the following:

- A. ICC Standing Rules
- B. Membership Contract
- C. Committee policies
- D. House policies or constitutions
- E. ICC Core Beliefs and Values
- F. Principles of Cooperation as outlined in the preamble to the Standing Rules.
- G. City, state or federal laws

**Alternative Dispute Resolution Pathways**

**7.1.2** The ICC endorses House’s use of an array of both alternative and adjudicative dispute resolution options:

<b>Alternative Dispute Resolution Pathways</b>	
<b>A.</b> Verbal warning	a. Verbal communication issued by two House Officers, intended to make an individual aware that a violation has occurred, any remedial actions required, and possible consequences for noncompliance.
<b>B.</b> Written warning or notice	b. Written communication issued by two House Officers, intended to make an individual aware that a violation has occurred, any remedial actions required, and possible consequences for noncompliance.
<b>C.</b> Penalty fines	c. Financial compensation for loss or damages resulting from uncooperative behavior.
<b>D.</b> Penalty labor	d. Work compensation for loss or damages resulting from uncooperative behavior.
<b>E.</b> Mediation	e. Various methods of alternative dispute resolution carried out by a third party who facilitates communication between disputants in an attempt to help them to identify relevant issues, frame those issues constructively, and seek mutually satisfying agreements.
<b>F.</b> Facilitated dialogue	f. A conversation between two or more persons, guided by a neutral facilitator to increase the

	potential that the individuals will arrive at a mutually satisfying agreements
<b>G.</b> Restorative justice	g. Restorative Justice Circles are mediated gatherings that engage all stakeholders (complainants, respondents, affected House members. etc) in settling a dispute through discussion about the nature of the offense, the harm or loss caused, and the requirements for restoring all the relationships in the community to good standing. Thus, restorative justice is a cooperative process that typically requires an apology from the offender, mutually agreed upon restitution for the offense, and forgiveness from the complainant, House or community.

<b>Adjudicative Dispute Resolution Pathways</b>	
<b>A.</b> Hearing by House or Member Resolution Panel (Standing Rule 7.2, 7.4)	a. A formal process for resolving allegations and/or determining responsibility for uncooperative behavior, including referrals and expulsions. In a hearing, a House or member panel considers testimony and evidence from both sides of a dispute and renders a decision, including remedies and sanctions.
<b>B.</b> Referral (Standing Rule 6.7)	b. Referral is a temporary, probationary process that seeks: <ol style="list-style-type: none"> <li>1. To provide an incentive for members to improve uncooperative conduct.</li> <li>2. To compensate any loss or damages caused by uncooperative behavior.</li> <li>3. To notify future Houses and ICC administration that a member might be a problem.</li> <li>4. To document and interrupt patterns of chronic uncooperative behavior.</li> <li>5. To return a member to good standing and restore all the rights and responsibilities of ICC membership.</li> </ol>
<b>C.</b> Expulsion (Standing Rule 6.8)	c. Expulsion is the severest penalty that can be imposed on a member of the ICC. Expulsion is the termination of a person's membership in the ICC with all of the rights and responsibilities contained therein.

## 6.7 REFERRAL

**6.7.1** The ICC considers these procedures for resolving disputes a part of its educational mission and is committed to processes which provide both peer review and mediation. This chapter describes various pathways to conflict resolution available in the ICC. Members are expected to settle disputes and address uncooperative behavior at the House level whenever possible, using procedures outlined in their House constitutions and ICC Standing Rules. Typically one or more informal or alternative resolution options are attempted at the House level before more formal adjudicative options are enacted. Further resources regarding the conflict resolution process are provided in Chapter 7 of these Standing Rules and the Supplemental Conflict Resolution Guide, which can be found in the ICC office or by contacting members of Dispute Assistance and Resolution Team (DART). (See Standing Rule 7.3)

**6.7.2 REFERRAL DEFINED:** Referral is a temporary probationary process that seeks to notify a member that his or her behavior is out of conformance with ICC or House rules and inform them of the steps they must take to return to good standing. The goals of referral are:

- A.** To provide an incentive for members to improve uncooperative conduct.
- B.** To compensate any loss or damages caused by uncooperative behavior.
- C.** To notify future Houses and ICC administration that this member might be a problem.
- D.** To document and interrupt patterns of chronic uncooperative behavior.
- E.** To return a member to good standing and restore all the rights and responsibilities of ICC membership.

**6.7.3 GROUNDS FOR REFERRAL:** Specific grounds for referral shall be:

- A. Failure to do work
- B. Failure to pay charges
- C. Abuse of community or ICC property
- D. Infringement on the privacy and/or property of others
- E. Actions which threaten the health, safety or welfare of co-op members.
- F. Prejudicial behavior
- G. Sexual Harassment
- H. Generally uncooperative behavior

#### **6.7.4 CONSEQUENCES OF REFERRAL:**

- A. A member placed on referral has one week to file an appeal. After one week, any future contracts signed previous to the referral are void. If the member files an appeal, their space will be held during the appeal process.
- B. House approval is required for any member currently on referral to place a standard hold on a space or sign a future contract. The body or House which placed the member on referral must be consulted and have an opportunity to send a representative to the meeting where the member is being voted into the House.
- C. A referral process may result in a variety of agreements, remedies or sanctions that must be satisfied to return the member to good standing as listed in Standing Rule 7.1.9.

**6.7.5 HOUSE REFERRAL:** Members may be “referred” to their House Officers or to DART for corrective action because of uncooperative behavior. Houses typically hold referral hearings at House meetings. It is important for Houses to interrupt uncooperative behavior early, and to consider referral when alternative dispute resolution options have been attempted and failed, or been deemed inappropriate. Houses are expected to respect due process rights of all parties involved in any resolution process and to administer agreements, remedies and sanctions in a fair and consistent manner. (See Standing Rule 7.1)

**6.7.6 REFERRAL METHODS:** A House may place on referral, any of its members with a current ICC contract; or, any its former members, within 90 days of the end of their last contract. Members may be placed on referral by the following methods:

- A. FOR NON-PAYMENT:** By the House Treasurer and one other House Officer.
- B. FOR NON-WORK:** By the Work Manager and one other House Officer.
- C. FOR UNCOOPERATIVE BEHAVIOR:** By a vote of the House at a House meeting. In this case, the accused member must be notified in writing, including email, at least 4 days in advance stating the specific reasons for the referral and a reasonable attempt must be made to allow the member to attend and speak in their defense. When a vote of the House is to be taken in cases concerning harassment, prejudicial behavior, criminal behavior or other legally sensitive issues, a representative of the ICC to be appointed by the General Manager shall be present.
- D. REFERRAL BY PETITION:** For any of the above offences by a petition. The petition must:
  - 1. Be presented to the member under concern prior to its posting or circulation.
  - 2. A copy of the petition must be conspicuously posted in the House.
  - 3. Be signed by a simple majority, or 20 House members, whichever is lower.
  - 4. List the specific grounds for referral
  - 5. List the specific requirements for removal from referral and all relevant Standing Rules, including any relevant time- or deadlines.
- E. REFERRAL BY MEMBER PANEL:** The Dispute Assistance and Resolution Team may agree to convene a Member Resolution Panel to hear a referral in lieu of a House hearing per Standing Rule 7.4.3.

**6.7.7 NOTICE OF REFERRAL FORM:** A Notice of Referral Form must be given to any member placed on referral. The Notice must explain the specific grounds (actions, incidents, ...) for referral, all agreements, remedies and sanctions required for removal from referral and the earliest date at which removal from referral will be considered. A copy of the Notice of Referral Form must be given to the Director of Member Services to be placed in the member's file.

**6.7.8 REFERRAL APPEALS:** An appeal is a process for requesting a formal change to an official decision. An appeals process is an essential safeguard for an imperfect human process that attempts very hard to be fair. The appeal process is available to each party in a dispute. No decision to place a member on referral shall be overturned or otherwise set aside unless:

- A. It can be proven that there was a prejudicial error or omission in the procedures.
- B. It can be proven that the evidence clearly does not support the findings.
- C. Sanctions are insufficient or excessive relative to the violation.
- D. There is new evidence not reasonably available at the time of the hearing.

**6.7.8.1** Any member placed on referral may file an appeal within 7 days of receiving a decision.

**6.7.8.2** Referrals by a House may be appealed to a DART.

**6.7.8.3** Referrals by Member Panel may be appealed to CoCo.

**6.7.8.4** Members having prior direct experience with the case or proceedings under appeal may not participate in the appeal process, except as witnesses to the original hearing, or to testify in defense of the original decision.

**6.7.8.5** All appeals decisions are final.

**6.7.9 REMOVAL FROM REFERRAL:** A member may be eligible for removal from referral at any time by vote of the body that placed the member on referral. Removal from referral may take place in the following ways:

- A. A vote at a House meeting, according to House voting rules.
- B. By the approval of two House Officers- in the case of non-payment or non-work.
- C. By a vote of a member panel, for member panel referral.

**6.7.9.1 REFERRAL REMOVAL FORM:** Any House or Member Panel removing a member from referral must have its presiding Officer fill out a Referral Removal Form. A copy of the form must be given to the Director of Member Services to be placed in the member's file.

**6.7.9.2** Spring-Summer House decisions (votes) to remove a member from referral who was placed on referral during fall or winter must be approved by Member Resolution Panel. (See Standing Rule 7.3.4)

**6.7.9.3** Fall-Winter House decisions (votes) to remove a member from referral who was placed on referral during spring-summer term must be approved by Member Resolution Panel. (See Standing Rule 7.3.4)

## **6.8 EXPULSION**

**6.8.1 EXPULSION INTRODUCTION:** Expulsion is the severest penalty that can be imposed on a member of the ICC. Expulsion is the termination of a person's membership in the ICC with all of the rights and responsibilities contained therein. Any member with a current contract or within 90 days of the end of their last contract may be considered for expulsion. The ICC General Manager must be consulted whenever expulsion is being considered.

**6.8.2 GROUNDS FOR EXPULSION:**

- A. Failure to do work
- B. Failure to pay charges

- C. Abuse of community or ICC property
- D. Infringement on the privacy and/or property of others
- E. Actions which threaten the health, safety or welfare of co-op members.
- F. Prejudicial behavior
- G. Sexual Harassment
- H. Generally uncooperative behavior

**6.8.3 CONSEQUENCES OF EXPULSION:** An individual who has been expelled by the ICC or an ICC House:

- A. Has his/her membership in the ICC terminated.
- B. May not be reinstated as a member of the ICC.
- C. Will be evicted if still residing on ICC property.
- D. Surrenders all rights and responsibilities of membership in the ICC including, but not limited to:
  - a. Living in an ICC House
  - b. Boarding in at an ICC House
  - c. Using any House or facilities
- E. Will be considered a trespasser if present on ICC property after the membership termination date.

**6.8.4 HOUSE EXPULSION PROCESS:**

- A. Any House seeking to expel must consult with the General Manager and DART for assistance prior to a hearing.
- B. An Expulsion Hearing Notice Form must be served on the member under concern at least 4 days prior to a hearing date. Copies of this form must be given to the ICC General Manager and DART.
- C. A member may be expelled by a vote at a House meeting or hearing, according to House voting rules.
- D. Hearings will be considered fair and sufficient provided they do not violate the provisions of. (See Standing Rule

7.2.2)

- E. The General Manager, or their appointee, shall be present at any House expulsion hearing to witness and advise the proceedings as needed.
- F. The DART may agree to convene a member resolution panel to hear an expulsion in accordance with Standing Rule 7.3.4.
- G. No person's membership shall be terminated except after an open hearing, per ICC Bylaw 1.3.

**6.8.5 HOUSE EXPULSION APPEALS:** An appeal is a process for requesting a formal change to an official decision. An appeals process is an essential safeguard for an imperfect human process that attempts very hard to be fair. The appeal process is available to each party in a dispute (the House or the accused members.) No decision to expel shall be overturned or otherwise set aside unless:

- A. It can be proven that there was a prejudicial error or omission in the procedures that seriously impacted the outcome of the case.
- B. It can be proven that the evidence clearly does not support the findings.
- C. Sanctions are insufficient or excessive relative to the violation.
- D. There is new evidence not reasonably available at the time of the hearing.

**6.8.5.1** House expulsion decisions may be appealed to the Coordinating Committee, in writing, within 7 days of notification.

**6.8.5.2** Members having prior direct experience with the case or proceedings under appeal may not participate in the appeal process, except as witnesses to the original hearing, or to testify in defense of the original decision.

**6.8.5.3** All appeals decisions are final.

**6.8.5.4** The Coordinating Committee has 7 days to rule on an appeal. If more than three members of the committee are unable to hear an appeal, either for personal reasons or because of a conflict of interest in the case, the ICC President shall select alternate Officers.

Only other Officers of the ICC shall be considered alternates in the appeal process.

**6.8.5.5** The expelled member may not have access to any ICC buildings, Houses, property services or facilities except during the period of appeal, and with the expressed permission of the House.

**6.8.5.6** If the expulsion is overturned, the Coordinating Committee may reduce the sanction to referral, or return the member to good standing.

## **6.9 PREJUDICIAL BEHAVIOR (42/2010-2011)**

**6.9.1 STATEMENT OF ICC POSITION ON PREJUDICIAL BEHAVIOR:** The members of the ICC prohibit and will not tolerate prejudicial behavior. All ICC members, guests and employees have the right not to be subjected to prejudicial behavior.

**6.9.2 DEFINITION OF PREJUDICE:** An attitude toward any actual, perceived or allied member of any group, formed without just grounds or sufficient knowledge, held by a person belonging to any group.

**6.9.3 DEFINITION OF PREJUDICIAL BEHAVIOR:** Prejudicial behavior is behavior motivated or influenced by prejudice that results in personal or group injury. It need not be intentional or persistent. It degrades on the basis of actual, perceived, or allied social group membership (including, but not limited to socioeconomic status, race, ethnicity, nationality, language or citizenship, marital status, religion, political belief, sex, gender identity and expression, sexual orientation, physical/mental disability or illness, age, veteran status, height or weight.)

## **6.10 SEXUAL HARASSMENT (42/2010-2011)**

**6.10.1 STATEMENT OF ICC POSITION ON SEXUAL HARASSMENT:** The members of the ICC prohibit and will not tolerate sexual harassment. The ICC members recognize that sexual harassment need not be intentional or persistent

and that there are varying degrees of sexual harassment. All ICC members, guests, and employees have the right not to be subjected to sexual harassment.

**6.10.2 DEFINITION:** The members of the ICC define sexual harassment as any behavior that fits all of the following criteria:

- (1) It is behavior that emphasizes the sexuality or the sexual identity of another person;
- (2) It is behavior that is inappropriate and that would tend to have a negative effect on the ability of the recipient of the behavior to fully enjoy the benefits of membership in or employment by the ICC.

Sexual harassment may include, but is not limited to the following:

- A. Comments, gestures, intrusive questioning, notes, jokes, pictures, items, or other forms of personal attention that may create an uncomfortable or hostile environment or be perceived as sexual overtures or denigration;
- B. Acts of physical aggression, intimidation, hostility, or unequal treatment based on gender or sexual orientation;
- C. Unwelcome advances including sexual propositions, suggestive comments, demands of a sexual nature, touching, petting, tickling, kissing, grabbing or any other invasion of personal space;
- D. Advances of the type mentioned in (c) through promise or rewards or coercion or threat of punishment or sanctions including but not limited to physical or emotional violence, loss of membership, or public humiliation;
- E. Sexual assault, whether or not accompanied by physical

violence.

## **6.11 STALKING (42/2010-2011)**

**6.11.1 STATEMENT OF ICC POSITION ON STALKING:** The members of the ICC prohibit and will not tolerate stalking behavior.

**6.11.2 DEFINITION:** Stalking is defined as a willful course of conduct involving repeated or continuing harassment made against the expressed wishes of another individual, which causes that individual to feel emotional distress including fear, harassment, discomfort, intimidation or apprehension.

- (1) Willful course of conduct refers to a pattern of behavior made up of a series of two or more separate non-continuous acts that share the same purpose.
- (2) It is behavior that is inappropriate and that would tend to have negative effect on the ability of the recipient of the behavior to fully enjoy the benefits of membership in or employment by the ICC.

Stalking may include, but is not limited to the following:

- A. Unjustified, jealous and inappropriate intrusion into the targeted individual's life;
- B. Following or appearing within the sight of the targeted individual after being informed that such contact was unwanted.

- C. Approaching or confronting the targeted individual in a public or private place after being informed that such contact was unwanted.
- D. Appearing at the residence or in the personal space of the targeted individual after being informed that such contact was unwanted.
- E. Sending unwanted gifts or objects to the targeted person.
- F. Entering or remaining in the targeted individuals residence or personalspace after being requested to leave.
- G. Contacting the targeted individual by telephone, mail, electronic communication, surrogates, or any other means, after being informed that such contact was unwanted.

## 7.2 HEARINGS, DUE PROCESS AND APPEALS

**7.2.1 HEARING DEFINED:** A hearing is a formal process for resolving allegations and/or determining responsibility for uncooperative behavior, including referrals and expulsions. In a hearing, a House or Member Resolution Panel considers testimony and evidence from both sides of a dispute and renders a decision, including all necessary agreements, remedies and sanctions.

A member or body that initiates a complaint or action is known as a “complainant.” The accused member is known as the “respondent.” The ICC considers hearings to be a cooperative effort to reach appropriate resolutions to conflicts whenever informal dispute resolution strategies are inappropriate or ineffective. Further resources regarding the conflict resolution process are provided in Chapter 6 of these Standing Rules and the Supplemental Conflict Resolution Guide, which can be found in the ICC office or by contacting members of Dispute Assistance and Resolution Team (DART). (See Standing Rule 7.3)

**7.2.2 HEARING PROCESS:** A House or member resolution panel conducting a hearing may derive appropriate procedures as needed, provided that these procedures do not violate the protocols outlined below. The ICC shall recognize as fair and sufficient any hearing which adheres to the following protocols:

- A. DUE PROCESS:** Houses are expected to respect due process rights of all parties involved in a dispute and to administer

agreements, remedies and/or sanctions in a fair and consistent manner. The concept that no one should be assumed to have committed any violation of ICC rules, legal or ethical codes without having a fair hearing in front of people who can judge him or her impartially according to reasonable objective standards and without prejudice. Essential to the fairness of such a hearing is the idea that anyone accused has the right to face their accusers and defend themselves. (See 7.1.3)

- B. NOTICE:** 4 days advanced written or electronic notice must be given to the member respondents detailing the time and place of the hearing, the alleged grounds for the action, possible sanctions, hearing facilitators or Member Panelists. A copy of the notice must also be conspicuously posted in the member's House(s).
- C. FACILITATION AND ATTENDANCE:** The following should generally be present at ICC hearings:
  - a. The complainant and respondent
  - b. The facilitator
  - c. A note taker
  - d. Process observer/time keeper
  - e. Household or Member Resolution Panel
  - f. The panel advisor
  - g. Advisors to complainant and respondent
  - h. Witnesses to the facts directly related to the grounds for the hearing.
- D. ADVISORS:** Parties to a dispute may enlist the assistance of an advisor of their choosing in preparation for a hearing, or during a hearing. Advisors may not question witnesses or make presentations at a hearing. Respondents may ask for reasonable breaks during the hearing to consult with their advisor.
- E. CHALLENGE FOR BIAS:** Members may challenge the selection of panelists or facilitator for bias within two days of notification. Bias is defined as prejudice in a general or specific sense, usually having a preference to one point of view or ideological perspective.
- F. EVIDENCE:** Members may present information in the course of the hearing; including oral and written information and witnesses.
- G. CROSS EXAMINATION:** A member respondent may challenge any information presented in a hearing and question any witnesses.
- H. OPEN HEARINGS:** Hearings must be open to all members of the House and other appropriate persons concerned with, or affected by, the issue, however, either party may request a closed hearing per Standing Rule 7.2.3.
- I. RESPONDENT ATTENDANCE:** A member respondent may decline to attend a hearing. The proceedings will continue and the member will be bound by any determinations made.

- J. REFUSAL TO ANSWER:** Member respondents may decline to answer any question. Silence will neither be used as evidence of responsibility for a charge, nor as evidence to invalidate the charges.
- K. FINDINGS AND PROOF:** A finding of responsibility is only acceptable when there is proof that is clear and convincing.
- L. APPEAL:** Member respondents may file an appeal of the hearing decision within 7 days of receiving notice of that decision.

**7.2.3 CLOSED HEARING:** To make the process as democratic and transparent as possible, hearings shall generally be open to all ICC members and other appropriate people affected by the case. Exception: ICC Bylaw 1.3 requires that all expulsion hearings be open. In special circumstances, DART may decide to hold a closed hearing, using the following criteria as guidelines:

- A.** Mutual Request of the complainant and respondent.
- B.** If allegations in the case involve issues of sexual harassment or assault, discrimination or prejudicial behavior, mental health or ability.
- C.** If there are legally sensitive reasons for requiring confidentiality.
- D.** The following people may be present at a closed hearing and must be informed that the proceedings are confidential:
  - a. The complainant and respondent
  - b. The facilitator
  - c. A note taker
  - d. Process observer/time keeper
  - e. Household or Member Resolution Panel
  - f. The Panel Advisor
  - g. Advisors complainant and respondent
  - h. Witnesses to facts directly related to the grounds for the hearing

**7.2.4 ICC APPEAL PROCESS:** An appeal is a process for requesting a formal change to an official decision. No decision to place a member on referral shall be overturned or otherwise set aside unless:

- A.** It can be proven that there was a prejudicial error or omission in the procedures that seriously impacted the outcome of the case.
- B.** It can be proven that the evidence clearly does not support the findings.
- C.** Sanctions are insufficient or excessive relative to the violation.
- D.** There is new evidence not reasonably available at the time of the hearing.

**7.2.4.1** Any member may file an appeal within 7 days of receiving a hearing decision.

**7.2.4.2** Hearing decisions by a House may be appealed to a DART Member Resolution Panel.

**7.2.4.3** Hearing decisions by Member Resolution Panel may be appealed to the Coordinating Committee.

**7.2.4.4** Members having prior direct experience with the case or proceedings under appeal may not participate in the Appeal process, except as witnesses to the original hearing, or to testify in defense of the original decision.

**7.2.4.5** Decisions on appeals must be rendered within 14 days of the appeal's submission.

**7.2.4.6** All appeals rulings are final.

- 7.2.5** If a decision is overturned on appeal, the appeals body may either:
- A.** Modify the original decision, including any remedies, agreements, sanctions, or deadlines.
  - B.** Vacate the original decision and recommend a new hearing.
  - C.** Vacate the original decision and restore the respondent to good standing.

### **7.3 DISPUTE ASSISTANCE AND RESOLUTION TEAM (DART) AND MEMBER RESOLUTION PANEL (MRP)**