Hearing Procedures for Violations of the Code of Student Rights and Responsibilities

The purpose of the student conduct procedures is to resolve conflict situations within the University community. All questions concerning procedures for the student discipline hearings which arise prior to the hearing may be directed to the Office of the Vice Provost for Student Success. The student conduct procedures do not replicate or replace a criminal hearing outside the University. Formal rules of process, procedure, or evidence as established and applied in the civil or criminal justice system do not apply to this process.

Charges and Notification
The discipline procedures ordinarily are initiated through submission of a written account of the incident by an affected individual or by a University unit. This account must contain a statement of the facts underlying the complaint and specify the provision(s) of the Code of Student Rights and Responsibilities (the Code), or other applicable rule, regulation, or law allegedly violated. Upon the receipt of a written report, the Office of the Vice Provost for Student Success may determine that there is sufficient reason to charge the student or organization with a violation of the Code of Student Rights and Responsibilities and a University disciplinary hearing is warranted. In the absence of a complaint from an individual or a unit of the University, an Assistant or Associate Vice Provost of the Office of the Vice Provost for Student Success may, when such administrator determines action is warranted, also conduct an investigation of an incident and file a written complaint, if appropriate.

The charge letter with complaint will be sent to the student’s current local address listed on the University database. If no local address is listed, the letter may be sent to the permanent home address or be served on the student in person. The letter may direct the student or organization to comply with specified requirements or restrictions, as needed to protect the interests of affected students or the University, pending the resolution of the matter through the hearing procedure.

Hearings
The nonacademic misconduct procedures strive to maintain the University community’s best interest and protect the rights of the individuals involved. There are two types of hearings: 1) an informal administrative hearing with a Hearing Officer, and 2) a formal hearing before a Hearing Panel. In matters where suspension or expulsion is a likely outcome, a formal hearing is required.

A student or organization has up to 14 calendar days to respond upon receipt of the charge letter with complaint, except in matters of interim suspension, for which the response is no later than the time of the hearing on the interim suspension. Failure of the student or organization to respond within 14 calendar days will be judged as the student’s or organization’s decision not to contest the charges and to accept whatever sanctions are determined.

Informal Administrative Hearing
When suspension or expulsion is not an appropriate sanction, a student or organization (Respondent) may meet with a Hearing Officer in an informal administrative hearing. When the Respondent substantially agrees with the contents of the complaint and accepts responsibility for the infraction, the hearing will involve an administrative meeting with the Hearing Officer to determine the appropriate level of discipline and other sanctions. When a student or organization does not wish to contest the allegations of the complaint and agrees to accept sanctions from the University, the respondent will meet with a Hearing Officer in an administrative hearing.

Formal Panel Hearing
When suspension or expulsion may be a likely sanction, a formal hearing before a Panel is required. Additionally, a student or organization may also request a formal hearing before a Panel for any complaint. Normally, each party to the complaint will be present for the panel hearing unless the Office of the Vice Provost for Student Success agrees that another person may appear as a substitute representative for a party. A hearing may be held even if the student charged fails to appear. If a Respondent, with notice of the hearing, does not appear at the hearing, the Panel may reach a decision by taking into consideration the totality of the information related to the charges available at the time of the hearing. A student or organization may choose to remain silent and not reply to the charges. Doing so is not considered an admission of the charges and complaint.

University disciplinary hearings and administrative meetings are private educational interactions between the student(s) and the University. The Complainant, Respondent and their advisors, if any, shall be allowed to attend the entire panel hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the Hearing Officer.
**Advisors:** At a hearing before a Panel, each party may have up to three persons attend as either advisors or as representatives. Advisors may not act as a representative of the student, speak on the student's behalf, or participate directly in any hearing. At least one full class day prior to the hearing, each party must inform the Assistant Vice Provost for Student Success or designee of the name of any representative who will accompany the student or organization at the hearing, and inform the Office of the Vice Provost whether the representative is a lawyer.

**Hearing Panel Membership:** The hearing panel shall be composed of at least three members, named by the Office of the Vice Provost for Student Success. Two members will be professional staff or faculty members of the University and one member will be a student. One person will be appointed by the Office of the Vice Provost for Student Success to serve as Chair of the hearing panel. Questions about hearing procedures which arise during a panel hearing shall be answered by the Chair of the hearing panel.

**Witnesses:** Each party will provide a list of intended witnesses, if any, to the Office of the Vice Provost for Student Success at least 24 hours prior to the panel hearing. If needed, provision will be made for witnesses to wait in a nearby location or locations until called. The Chair of the hearing panel will decide if witnesses may be present for the entire hearing or only during their presentation.

**Hearing Panel Procedures:** Administrative disciplinary hearings shall, at a minimum, provide for the procedural guarantees outlined in Section XIV, Section 2 of the University Senate Code. All hearings are closed to the public. Unless modified by the Chair of the Hearing Panel, the hearing will be conducted in accordance with the following:

a) Introduce the hearing panel members, the complainant, the student/organization charged, and their representatives, if any.

b) Explain the hearing procedures which follow.

c) Review the charges of Code violation which led to the hearing.

d) State that the Complainant has the responsibility to persuade the panel by a preponderance of the information that a violation of the Code occurred.

e) State that the Respondent has the privilege of remaining silent and of refusing to provide evidence.

f) Permit the Complainant to state the complaint and explain the incident/event.

g) Permit the student/organization charged to reply and explain the incident/event.

h) Questions may be asked of either party or of witnesses by hearing panel members.

i) Permit each party to ask questions of one another and any witnesses appearing.

j) An audio recording will be made of the proceeding.

k) State that the Hearing Panel will make a written report and recommendations to the Office of the Vice Provost for Student Success.

**Hearing Panel Findings and Recommendations:** Immediately after the hearing, the Panel members should deliberate among themselves and determine: 1) if the facts presented establish that the alleged conduct charged occurred; 2) whether the conduct that occurred violates the Code as charged; and 3) their recommendations for which specific sanctions, if any, should apply in light of their findings. The Chair should write a report containing the Hearing Panel’s findings of facts, its conclusion about the charge(s) based on the facts, and its recommendations for sanctions, if any. This report will be sent to the Office of the Vice Provost for Student Success within five (5) class days after the hearing.

**Hearing Determination:** After an informal administrative hearing, the Office of the Vice Provost for Student Success will send a summary statement of the findings and sanctions to the student/organization. If sanctions are imposed, notice of the appeal procedure will be provided to the student charged.

After a formal hearing before a Panel, the Office of the Vice Provost for Student Success will review the report of the Hearing Panel and all hearing materials, determine whether to accept the recommendations, and provide written notification to the student charged of the findings and sanctions, if any. If sanctions are imposed, notice of the appeal procedure will be provided to the student charged.

In cases of sexual assault or a crime of violence, both the student charged and the student bringing charges will be notified of the outcomes.

**APPEALS**

Appeals must be in writing to the Chair of the University Judicial Board, in care of the Office of University Governance, Room 33 Strong Hall. Appeals must be made within thirty calendar days of the rendering of the decision by the Office of the Vice Provost for Student Success.