

Administrative Discipline Hearing Guidelines

For Alleged Violations of the Code of Student Rights and Responsibilities

Appointment: Upon receipt of a complaint, the Assistant to the Vice Provost for Student Success, or designee will review the complaint to determine whether the complaint is an appropriate one to be brought under the Code. The Assistant to the Vice Provost for Student Success or designee may attempt to resolve the dispute through non-disciplinary consultation and mediation. If it is determined to be a matter that should be resolved through disciplinary procedures, the Assistant to the Vice Provost for Student Success shall appoint a hearing panel to consider the case and make a recommendation to the Vice Provost for Student Success for its resolution.

The student's right to a hearing may be waived when the student charged chooses to admit responsibility for the alleged misconduct and accept disciplinary sanctions from the University. If the admitted violation could result in suspension or expulsion of the student, a panel will be convened to recommend sanctions to the Assistant to the Vice Provost for Student Success. If the violation is one for which suspension or expulsion is not appropriate, the Assistant to the Vice Provost for Student Success may designate a single hearing officer to meet with the student charged and recommend appropriate sanctions.

All questions concerning procedures for the student discipline hearings which arise prior to the hearing may be directed to the Assistant to the Vice Provost for Student Success or designee.

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

Either party to the dispute may challenge the appointment of a hearing panel member if the member has had any prior connection in the case or has any other conflict of interest. Such challenge must state in writing the reason for the objection or perceived conflict of interest, and must be received in the Office of the Vice Provost for Student Success no later than three class days prior to the scheduled hearing. The Assistant to the Vice Provost for Student Success will consider the challenge and determine whether appointment of a replacement panelist will serve the interests of fairness and impartiality.

Hearing Schedule: The Assistant to the Vice Provost for Student Success or designee will schedule the date, time and place for the hearing.

Response from Student Charged: The student charged is invited to provide an optional written response to the complaint. The response should be received in the Office of the Vice Provost for Student Success at least one full class day prior to the time set for the hearing.

Documentation: The hearing panel members, the complainant and the student charged will each receive copies of: a) the complaint letter, b) the letter to the student establishing hearing time and place, c) the reply of the student charged, if provided, and d) any document provided by either party for presentation to the hearing panel. Items of documentation should be provided at least 24 hours in advance of the hearing for review by the panel and the other party to the complaint. These, and all materials concerning the alleged violation, should be treated confidentially. The hearing panel members, through the chair, will return all hearing materials to the Assistant to the Vice Provost for Student Success or designee after the hearing.

Representatives: Each party may have one supportive friend or a representative in attendance at the hearing, but that person may not directly participate in the hearing. Each party must inform the Assistant to the Vice Provost for Student Success or designee, if any, at least one full class day prior to the hearing, and whether the representative is a lawyer. Normally, each party to the complaint will be present for the hearing unless the Assistant to the Vice Provost for Student Success agrees that another person may appear as a substitute representative. However, a hearing may be held even if the student charged fails to appear for the hearing.

Witnesses: Both parties will provide a list of intended witnesses, if any, to the Assistant to the Vice Provost for Student Success or designee at least 24 hours prior to the hearing. One witness at a time may be called into the hearing by either the complainant or the student charged. If needed, provision will be made for witnesses to wait in a nearby location or locations until called.

Hearing Procedures: Administrative disciplinary hearings shall, at a minimum, provide for the procedural guarantees as 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 outline:

- a) Introduce the hearing committee members, the complainant, the student 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 evidence that a violation of the Code occurred.
- e) Permit the complainant to state the complaint and explain the incident/event.
- f) Permit the student charged to reply and explain the incident/event. The student charged may choose to remain silent and not reply to the charges. Doing so is not considered an admission of guilt.
- g) Questions may be asked of either party by hearing panel members.
- h) Permit each party to ask questions of one another and any witnesses appearing.
- i) State that the hearing panel will make a written report and recommendations to the Assistant to the Vice Provost for Student Success.

Findings and Recommendations: Immediately after the hearing, the panel members should reach a determination of their recommendations for which specific sanctions, if any, should apply. The chair should compile comments, rationale, and recommendations in writing and forward them to the Assistant to the Vice Provost for Student Success within five (5) class days after the hearing.

Notification: The Assistant to the Vice Provost for Student Success will review the report of the hearing panel and any relevant information, will determine whether the recommendations are appropriate, and will provide written notification to the student charged of the findings and sanctions, if any. If sanctions are imposed, notice of the appeal process will be provided to the student charged. In cases of sexual assault, 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 University Governance Office. Appeals must be made within thirty calendar days of notification.