

STUDENT CONDUCT HEARING BOARD

SECTION 11.3 OF THE CODE OF STUDENT CONDUCT

11.3 Conduct Board Hearing Procedures

A conduct board hearing will take place for all matters for which revocation of admission or degree, withholding a degree, suspension, or expulsion are possible outcomes. When incidents occur that involve more than one accused student or multiple complainants, the Dean of Students Office staff, may permit the hearing concerning each student to be conducted jointly or separately. In the case that the person reporting the alleged misconduct is not serving as the complainant, a university official will serve as the complainant.

Whenever a hearing is scheduled regarding an alleged incident of non-academic prohibited conduct, the accused student and the person reporting the alleged misconduct, the complainant, if any, will be given five (5) days written notice of the charges alleged against the accused student and of the date, time and place of the hearing. A representative from the Dean of Students Office staff will serve as the hearing official and preside over the hearing. The hearing will be informal and strict rules of evidence will not apply. The hearing will be closed to everyone except the hearing official(s), appropriate Dean of Students Office staff, accused student, complainant, advisors to the accused student and the complainant, and witnesses during the actual time of their participation. Concerns for personal safety, well-being and or fears of confrontation of the complainant, accused student, and/or other witness during the hearing may be accommodated by providing a visual screen; permitting participation by phone or videophone; or other means as determined by the hearing official.

A student conduct hearing board will be utilized in all conduct hearings. The hearing board will be composed of three members chosen from a pool of trained students, faculty and staff who serve as members of the student conduct hearing council. The hearing board will hear information and make recommendations regarding findings and sanctions (if any) to be imposed, to the Assistant Dean of Students or designee. Findings will be based on information contained in the hearing record as provided by the complainant and the accused. Board recommendations will be based on a majority vote.

Students may waive their right to a conduct board hearing and may elect to have their case resolved through an administrative conduct meeting. However, if a student waives their right to a hearing, the full range of sanctions authorized by this Code may be imposed, and the right to appeal is forfeited.

The accused student and the complainant do not have the right to directly question each other unless both parties agree. If both parties do not agree to directly question each other, all questions from the accused student to the complainant and vice versa will go through the hearing official. All procedural questions are subject to the final decision of the hearing official.

The accused student and the complainant, if any, have the opportunity to:

a. Be present at the hearing. However, if either or both of the accused student or the complainant fail to appear at the hearing, the hearing may be held in either or both of their absences.

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- b. Present information by witness or by written statement from a witness sent to the Dean of Students Office staff if a witness is unable to attend the hearing. It is requested that witness statements be submitted two days prior to the hearing as the hearing officer will review statements for incident information. It is the discretion of the hearing officer to determine whether or not the statements are appropriate for inclusion in the hearing. It is the responsibility of the accused student and the complainant to notify their witnesses of the date, time, and place of the hearing. If witnesses fail to appear, the hearing will be held in their absence. No character witnesses nor information regarding behavior not relevant to the incident in question will be considered in a hearing.
- c. Bring one advisor to the hearing. The advisor; however, may not participate in examination of witnesses or presentation of materials or information to the conduct hearing board unless specifically asked to do so by the hearing official. The advisor may confer and give advice to the student in a quiet, confidential and non-disruptive manner.
- d. Question their own witness(es).
- e. Question the other party's witness(es) either through the hearing official or directly as deemed appropriate by the hearing official.
- f. Request a pre-hearing conference prior to the conduct hearing.