University Conduct Board Hearings

University Conduct Board

If the student wants to appeal the decision of the Director of Student Conduct, the case is transferred within five (5) working days to the University Conduct Board for a hearing.

1.Composition of the University Conduct Board

Members of the University Conduct Board are appointed by the Undergraduate and Graduate Student Governments, and the Director of Student Conduct. At the beginning of each academic year, a pool of Conduct Board members is selected and members are trained for the responsibilities associated with this duty. The Conduct Board is comprised of undergraduate and graduate students, faculty and staff members. Oversight, management, and training of the Conduct Board is provided by the Director of Student Conduct.

Student members of the Board are appointed for one-year terms. Faculty and staff members are appointed for two-year terms.

One of the faculty or staff appointees is elected by the other members of the University Conduct Board to serve as the Chair.

Each Board assembled to hear a particular case is comprised of five (5) members total: (a) two undergraduate students, (b)one graduate student (c) one faculty member, and (c) one staff member.

No member of the University Conduct Board may hear a case if the member is closely associated personally or professionally with the responding party, the reporting party, the person who referred the case, or any other relevant party. A Conduct Board member is expected to raise the issue of stepping down whenever any potential reason for disqualification becomes known.

The responding party will be notified of the membership of the Conduct Board that will hear the case in advance and may assert grounds for disqualification of any particular Board member to the Chair of the Conduct Board up until three (3) working days prior to the date of the hearing. The Chair has the discretion to accept or reject a request for a disqualification based on the facts presented.

2. University Conduct Board Hearings

1. Hearing Participants and Roles

a. **Chair of the University Conduct Board**: The Chair of the hearing is a faculty or staff member selected by the other Conduct Board members. The role of the Chair is to lead the proceedings, exercise control, and ensure that the hearing proceeds in an orderly and just manner.

b. **University Conduct Board Members:** The Conduct Board consists of five (5) students, faculty, and staff members (including the Chair) who are trained to hear cases involving alleged violations of the Student Conduct Code.

c. **Responding Party** (and a support person or attorney if desired): The responding party is the student accused of violating the Student Conduct Code. The student may be accompanied at the hearing by a support person or an attorney. If the student chooses to bring an attorney or support person, the role of the support person is limited to advice, consultation, and guidance to the respondent; the support person may not have a speaking role in the hearing.

d. **University Official (or designee) to present the University's case:** The University will designate an appropriate University official, or other designee to present the case to the Conduct Board on behalf of the University.

e. **Reporting Party** (if applicable, and a support person or an attorney if desired): In cases involving a complaint of one student against another student, the student who brings forth the allegation is the reporting party. The reporting party may attend the hearing and serve as a witness for the University. The student may also be accompanied by a support person or an attorney at the hearing. If the reporting party chooses to bring an attorney or support person, the role of the person is limited to advice, consultation, and guidance to the student; the person may not have a speaking role in the hearing.

f. **Witnesses** (if applicable): Both the responding party and the University may choose to call witnesses who have information relevant to the case to assist in the presentation of their respective cases. Witnesses may be present in the hearing only when testifying. Witnesses may submit written statements to the hearing body in lieu of testifying only with the express permission of the hearing body. Expert or character witnesses are not allowed, except as deemed necessary by the hearing body. Witnesses may appear and participate at the Conduct Board's discretion.

2. Pre-Hearing Notices

a. **Notice of the Hearing:** When proceedings have been transferred to the University Conduct Board, the Chair of the Board, in consultation with the Director of Student Conduct (or designee), schedules a date and time for the hearing. The Chair provides notice to the respondent and the reporting party (if applicable) of the date, time, and place of the hearing. The hearing will occur at least five (5) working days after the date of this notice unless an alternate arrangement is made that is agreeable to all parties.

b. **Presenter of the University Case:** The University will identify and designate an appropriate person to present the case for the University. This person may be a University official, or other designee. The responding party will be notified of the identity of this person at least three (3) working days before the hearing.

c. **Notice of Participation of Attorney or Support Person:** If the responding party intends to be accompanied by an attorney or support person, the student must provide written notice to the Director of Student Conduct (or designated official) at least three (3) working days before the scheduled date of the hearing.

3. Hearing Proceedings

a. **Hearings are Closed to the Public:** To protect the privacy rights of student participants, hearings are closed to the public.

b. **Elements of the Hearing:** Although the exact structure and flow of each hearing may vary, in general, University Conduct Board hearing proceedings will include the following:

i. Notice that the hearing is being recorded (hearings are recorded at University expense)

ii. Introduction of all parties

iii. Statement of the charges against the responding party
iv. Presentation of the University's case, including an opening statement, evidence, and any witnesses
v. Presentation of the responding party's case, including an opening statement, evidence, and any witnesses
vi. Opportunities throughout for the responding party to ask questions, for the University presenter to ask questions, and for Conduct Board members to ask questions
vii. Closing statements

c. Conduct Board deliberations (all parties other than Board members are excused)
   i. **Additional Characteristics of Conduct Board Hearings:**
      1. The Chair determines the admissibility of any evidence presented including witness testimony, rules on all procedural issues, and may put in place additional procedural rules during the hearing consistent with this Code. Any of the Chair's rulings may be overruled by a majority of the Conduct Board members.
      2. Formal (legal) rules of evidence do not apply.

4. Conduct Board Deliberations and Decisions:

a. The deliberations of the Conduct Board will include two distinct phases:

   i. Findings: Whether the student violated any standard(s) of the Conduct Code based on the preponderance of the evidence

   ii. Sanctioning: Appropriate sanction(s) should the student be found in violation

b. The Board is charged with rendering a decision about findings and/or sanctions within five (5) working days after the close of the hearing. All votes are by majority rule and the Chair has a vote in all cases.

c. The Board develops a written decision that includes: (a) findings for each specific charge, (b) a statement of the reasons for the decision(s), and (c) a description of the sanctions (if applicable).
   i. The Board's written decision is provided to the respondent, the Assistant Vice President for Student Experiences for review (see Section VI. I. 3.). In cases involving student complainants, appropriate notification of the Board's decision is also made to the reporting party in accordance with FERPA.

5. Failure to Appear for a University Conduct Board Hearing

a. A respondent who fails or refuses to appear after proper notice of a University Conduct Board hearing is considered to have waived their rights to be heard by the Board. In this case, the University will find the student to be in violation of the Conduct Code as charged if the preponderance of evidence standard is met, and will impose the conduct sanctions specified in the statement of charges.

6. Hearing Officer Option

If a case is transferred to the University Conduct Board during a time when the Board will not be able to hear the case within a reasonable period of time (e.g. between semesters, during the summer, during other academic breaks), the Vice President for Student Affairs, or their designee may, when it appears to be in the best interest of the University and/or the student(s) involved, appoint an impartial Hearing Officer to conduct the hearing following the general procedures described in this Code.

3. Review of the Conduct Board's Decision

1. The Vice President of Student Affairs or their designee reviews the decision(s) of the University Conduct Board. The Vice President for Student Affairs or their designee may approve, overturn, or modify any decisions and/or may address other issues related to procedures.
2. The Vice President for Student Affairs or their designee review will be completed within ten (10) working days from the date of the Board's written decision.
3. The Vice President for Student Affairs or their designee review is limited to the following criteria:
   a. Whether the evidence provides a reasonable basis for the resulting findings and conduct sanction(s).
   b. Whether specified procedural errors were so substantial as to deny a fair hearing to the respondent.
   c. Whether there was bias or capricious action, or an abuse of discretion demonstrated.
4. Each party may submit supplemental written statements to the Vice President for Student Affairs or their designee. If a party wishes to submit a statement, it must be submitted within five (5) working days of the date of the Board's written decision.
5. A copy of the Vice President for Student Affairs or their designee final decision is provided to the responding party, the reporting party (if applicable), the Director of Student Conduct, and the members of the University Conduct Board who heard the case.
6. The decision of the Vice President for Student Affairs or their designee is final and no other appeals are offered.