Article V: Judicial Procedures

Complaints and Investigations

1. Any member of the University community may file complaints against any student for misconduct. Complaints shall be prepared in writing and directed to the Office of Student Judicial Affairs. Any alleged violation should be submitted as soon as possible after the event takes place, preferably within one month (28 days) of the knowledge of occurrence.

2. Any judicial investigator, who has reason to believe that a violation of the Code of Student Conduct may have occurred, is authorized to begin an investigation in the same manner as if a written complaint had been received. The Office of Student Judicial Affairs may investigate and cite students or organizations with misconduct when that office has reason to believe that a violation may have occurred.

3. A judicial investigator or judicial body may issue a summons for a student or organization to appear for discussions about a complaint or for a hearing in a pending complaint. The summons may also include an order to produce records which may be helpful in the course of an investigation or in the prosecution of a complaint.

4. The judicial investigator may conduct an investigation to determine if the alleged violations have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the judicial investigator, subject to the approval of the judicial administrator. Such disposition shall be final and there shall be no subsequent proceedings.

5. All alleged violations shall be presented to the accused student in written form. A time shall be set for a hearing, not less than five nor more than 15 calendar days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the judicial administrator.

Hearings

1. Hearings shall be conducted by a judicial body according to the following guidelines. A hearing officer shall exercise all the powers attributable to the chairperson of the judicial body as described below. Student organizations shall have all the rights of students listed herein, which shall be exercised by the president of the organization.
   - Hearings normally shall be conducted in private. At the request of the accused student, and subject to the discretion of the chairperson of the judicial body, a representative of the student press may be admitted, but shall not have the privilege of participating in the hearing.
   - Admission of any person to the hearing shall be at the discretion of the chairperson of the judicial body.
   - In hearings involving more than one accused student, the chairperson of the judicial body, in his or her discretion, may permit the hearings concerning each student to be conducted separately.
   - The accused has the right to be assisted by any adviser he/she may choose, at their own expense. The adviser may be an attorney. The accused is responsible for presenting his or her own case, and, therefore, advisers are not permitted to speak or to participate directly in any hearing before a judicial body.
   - The judicial investigator and the accused shall have the privilege of presenting witnesses, subject to the right of cross-examination by the other party and by the judicial body.
   - Pertinent records, exhibits and written statements may be accepted as information for consideration by a judicial body at the discretion of the chairperson.
   - All procedural questions are subject to the final decision of the chairperson of the judicial body.
   - After the hearing, the judicial body shall deliberate in private and shall determine (by majority vote if the judicial body consists of more than one person) whether the student has violated the Code of Student Conduct as cited.
   - The judicial body’s determination shall be made on the basis of whether there is substantial information that the accused student violated the Code of Student Conduct.

2. There shall be a single verbatim record, such as a voice recording, of all hearings before a judicial body. The record shall be the property of the University.

3. Except in the case of a student cited with failing to obey the summons of a judicial body or University official, no student may be found to have violated the Code of Student Conduct solely because the student failed to appear before a judicial body. In all cases, the information in support of the alleged violation shall be presented and considered.

Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Code of Student Conduct:
   - Warning—a notice in writing to the student.
   - Probation—a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any University regulation(s) during the probationary period.
   - Loss of privileges—denial of specified privileges for a designated period of time.
   - Fines—previously established and published fines may be imposed.
   - Restitution—compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
   - Discretionary sanctions—work assignments, service to the University or other related discretionary assignments (such assignments must have the prior approval of the judicial administrator).
   - Residence hall suspension—separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
   - Residence hall expulsion—permanent separation of the student from the residence halls.
   - University suspension—separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
   - University expulsion—separation of the student from the University permanently or on an indefinite basis. A student permanently expelled is prohibited from reapplying to the University in the future or from earning a degree from any of its colleges or schools. Readmission of a student expelled on an indefinite basis may not occur within five (5) years and shall require the recommendation of the Vice President for Student Affairs and approval of the provost. If a disciplinary action results in the judicial administrator determining that expulsion is the appropriate sanction, then the Vice President for Student Affairs shall review the sanction and shall make the final decision to expel after consultation with the president of the University. Because a decision to expel a student is made after consultation with the president, a student has no right to request a review of the sanction of expulsion.

2. The following sanctions may be imposed upon any organization found to have violated the Code of Student Conduct:
   - any of the sanctions listed in the first six paragraphs above
   - loss of recognition as a registered student organization; the office of the Dean of Students shall notify any national or regional governing body with which the organization is associated or which sponsors social, academic or sports events when such suspension is imposed.

3. More than one of the sanctions listed above may be imposed for any single violation.

4. When a judicial body determines that a student has violated the Code of Student Conduct, the judicial body shall recommend a sanction to be imposed to the judicial administrator. The judicial administrator shall review the facts in the complaint, shall review any prior violations of the Code of Student Conduct by the student and shall determine the appropriate sanction to be imposed. The judicial administrator is not limited to sanctions recommended by the judicial body. The judicial administrator shall advise the student in writing of the sanction(s) imposed.

Reviews

1. A decision reached by the judicial body or a sanction imposed by the judicial administrator (excluding the sanction(s) of expulsion of a student, which is determined by the vice president for Student Affairs after consultation with the president) may be referred by a student to a review board within five school days of the decision. Such reviews shall be in writing and shall be delivered to the judicial administrator or his or her designee.

2. Except as required to explain the basis of new information, a review shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
   - to determine whether the original hearing was conducted fairly in light of the alleged violations and information presented, and in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a defense to the allegations of the misconduct
• to determine whether the decision reached regarding the accused student was based on substantial information, that is, whether the facts in the complaint were sufficient to establish that a violation of the Code of Student Conduct occurred
• to determine whether the sanction(s) imposed were appropriate for the violation of the Code of Student Conduct which the student was found to have committed
• to consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing because such information and/or acts were not known to the person reviewing at the time of the original hearing

3. If a review is upheld by the review board, the matter shall be remanded to the original judicial body or the judicial administrator to allow reconsideration of the original determination.

4. Review of the sanction(s) by the review board may not result in more severe sanction(s) for the accused student or organization. Instead, following a review, the vice president for Student Affairs or other designee may, upon review of the complaint, reduce, but not increase, the sanctions imposed by the judicial administrator.

Disciplinary Records

Disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the student’s confidential record. Complaints involving the imposition of sanctions other than University suspension shall be expunged from the student’s confidential record seven years from the year in which the offense occurred.