

# Student Conduct Procedures

---

2020 – 2021 Academic Year



Updated September 2020

## Table of Contents

1. Introduction .....	3
2. Complaints/Reports of Information .....	3
Filing a Complaint.....	3
Reports of Information.....	3
Preliminary Review.....	3
Investigative Review. ....	3
3. Administrative Response Options.....	4
3.a Non-Disciplinary Response Options.....	4
Mediation .....	4
Restorative Circle.....	4
Warning Letter.....	4
Dean’s Conference.....	5
3.b Disciplinary Response Options, Lower Level.....	5
Letter in Lieu of Review Meeting.....	5
Restorative Conference.....	5
Administrative Review Meeting.....	5
Student Group Administrative Review Meeting.....	6
3.c Disciplinary Response Options, Higher Level .....	7
Restorative Board Hearing.....	7
Student Conduct Board Hearing.....	7
Administrative Hearing.....	8
4. Student Rights and Responsibilities .....	9
Respondent Rights.....	9
Complainant Rights.....	9
5. General Provisions for Disciplinary Procedures.....	10
6. Student Conduct Board and Administrative Hearing Procedures.....	13
SCB Membership.....	13
Hearing Panels.....	13
Administrative Hearing Officer Membership.....	13
The Case Administrator.....	13
Notice.....	14

Expedited Hearing(s).....	14
Requests for Witnesses.....	14
Hearing Outline.....	14
Deliberations.....	14
Outcome Notification.....	15
Appeals.....	15
Power of Review in the President.....	15
7. Outcomes.....	15
Community Status.....	15
Reprimand.....	15
Probation.....	15
Probation with Restrictions.....	15
Suspension.....	15
Expulsion.....	16
Accompanying Terms.....	16
8. Appeal Process.....	16
Deadlines.....	16
Grounds for Appeal.....	16
Complainant Appeals.....	16
Appeal Review.....	17

## 1. Introduction

These Student Conduct Procedures (“Procedures”), which are meant to be educational in nature, are designed to provide processes to investigate and resolve alleged violations of the Code of Student Conduct (“the Code”).

## 2. Complaints/Reports of Information

**Filing a Complaint.** Written complaints alleging violations of the Code may be submitted online at [CICF.brown.edu](http://CICF.brown.edu). Individuals who are unable to access or use the online form should contact the Office of Student Conduct & Community Standards at [student-conduct@brown.edu](mailto:student-conduct@brown.edu) or 401-863-3145. Complaints must include the name(s) of all known witnesses or others who may have information concerning the allegation of prohibited conduct and all known facts about the incident. There is no time limit by which complaints must be submitted after an incident. However, the ability of the Office of Student Conduct and Community Standards to fully investigate an incident is impacted by how much time has elapsed since an incident occurred. In addition, a complaint alleging a Code violation by an individual who is no longer a student at the University will be reviewed but may not be investigated unless that individual re-enrolls at the University. Complaints that are submitted anonymously will be reviewed; however, anonymity may limit the ability of the Office of Student Conduct & Community standards to fully investigate an incident.

**Reports of Information.** The Office of Student Conduct and Community Standards receives reports containing allegations of prohibited conduct from several sources, including the Department of Public Safety, Providence Police, University offices/employees, and persons unaffiliated with the University. All reports are reviewed before a resolution method is determined.

**Preliminary Review.** Some complaints/reports do not contain sufficient information to determine a resolution method upon initial review. For such cases, a Preliminary Review may be conducted to gather more information. This may include meeting with involved parties or witnesses and requesting statements and/or documents that will help determine whether charges, an Investigative Review, or no actions are warranted.

**Investigative Review.** An Investigative Review is utilized when the Office of Student Conduct & Community Standards receives allegations that, if substantiated, could warrant a student’s (or student group’s) separation from the University. The review, which includes interviews with the parties and relevant witnesses and a collection of all relevant documents and other evidence, may culminate in a comprehensive report that will be reviewed by the Director of Student Conduct & Community Standards (“the Director”)<sup>1</sup>. If the complaint is not complex in nature, it may be reviewed by collecting statements and documents from the parties and any relevant witnesses before a summary and packet of information are provided to the Director for review. After review, the Director will determine whether there is a basis to file charges against a student (or student group) and at what level, if any, the matter should be resolved. The possible resolution recommendations from the Director are as follows:

---

<sup>1</sup> All references to the Director of Student Conduct & Community Standards (“the Director”) throughout this document will be understood to include their designee.

1. **Disciplinary, Higher Level.** Matters that may result in a community status of suspension or higher will be resolved through an Administrative Hearing, a Student Conduct Board Hearing, or a Restorative Board Hearing.
2. **Disciplinary, Lower Level.** Matters that will not result in a community status of suspension or higher may be referred to Letter Adjudication, an Administrative Review Meeting, a Student Group Administrative Review Meeting, or a Restorative Conference.
3. **Non-disciplinary Actions.** If it is determined that a disciplinary proceeding is not warranted (due to a lack of information or a determination that the alleged behavior is not a violation of the Code), the matter may be handled with a warning letter or a Dean's Conference or may be referred to mediation, counseling, alcohol/drug education, restorative circles, or other referrals as appropriate.
4. **No Action.** If there is no basis to file charges and no follow up is warranted, the Director may recommend that the Office of Student Conduct & Community Standards close the case and take no action.
5. **Withdrawal of Charges.** The Director has the authority to withdraw charges once they have been made. This may be done when the information that was provided was false or misleading and should not have resulted in charges being filed.

### 3. Administrative Response Options

The Director may refer allegations of violations of the Code to one of the following options for resolution:

#### **3.a Non-Disciplinary Response Options**

**Mediation.** Mediation is a voluntary, private means of resolving conflict. It brings the parties together with a trained mediator in an informal, neutral setting to discuss their dispute and to find a lasting solution to it. If a matter is referred to mediation, the timing/deadline requirements outlined in these procedures are suspended. If any party to a conflict is unwilling to engage in mediation or if the parties are unable to resolve the conflict through mediation, the matter may be referred to a disciplinary proceeding for resolution if it involves allegations of prohibited conduct. When parties successfully resolve their dispute through mediation, the mediator will notify the Director that the matter has been resolved.

**Restorative Circle.** Students will meet with trained facilitators for a mediated dialogue aimed at resolving conflict and addressing behaviors that may not rise to the level of a Code violation but have caused individual or community harm. Participation in restorative circles is voluntary and may or may not result in a formal agreement between students or groups of students.

**Warning Letter.** Students will receive an official written notice that specifies that a particular behavior(s) may have violated the Code and, if repeated, such behavior may be subject to the disciplinary process.

**Dean’s Conference.** Students will meet with Student Conduct & Community Standards Deans to discuss the behavior that is of concern. Students will be informed about particular provisions in the Code that may be violated should the behavior of concern repeat. Deans may suggest helpful resources for students and address any further concerns.

### 3.b Disciplinary Response Options, Lower Level

**Letter in Lieu of Review Meeting.** Students charged with minor<sup>2</sup> prohibited conduct will have the option of either accepting responsibility and a proposed outcome or going to an Administrative Review Meeting.

**Restorative Conference.** Students who take responsibility for engaging in prohibited conduct that has caused minor harm (e.g., minor theft, property damage, community disruptions) may be offered the opportunity to participate in a restorative conference. These proceedings bring students who have caused harm together with harmed parties, community members, and co-facilitators to explore ways that the harm can be redressed. This process is voluntary for all parties. If the harmed party decides not to participate, the case may be referred to an Administrative Review Meeting, depending on the particular circumstances. If the responsible party decides not to participate, the case will be referred to an Administrative Review Meeting.

**Procedures.** Co-facilitators will conduct pre-conference meetings with all parties to review the expectations of the conference and answer questions. Dialogue during the conference will be regulated by the co-facilitators. All parties will be asked to describe their experience of the incident and its impact before the group considers ways the student who caused harm could repair that harm. Co-facilitators will guide the conversation toward agreements that are appropriate and manageable.

**Outcomes.** If parties reach an agreement, it is considered binding and the student who caused harm will be expected to fulfill the terms of the agreement. If the agreement is not upheld, negotiated community status outcomes will be implemented and the student may face additional disciplinary action. If the agreement is fulfilled, no official community status outcomes or further disciplinary action will result. If no agreement is reached during the conference, the case will be referred to an Administrative Review Meeting for resolution.

**Administrative Review Meeting.** A University administrator will meet one-on-one with respondents (and sometimes complainants and witnesses) to review matters involving prohibited conduct that do not involve possible separation from the University. Repeated offenses of any kind, however, may result in a determination that the matter should be resolved through higher-level disciplinary proceedings, for which separation from the University is a possible outcome. In general,

---

<sup>2</sup> A determination about what constitutes “minor” or “serious” prohibited conduct or harm will be made by the Director of Student Conduct & Community Standards or their designee.

matters involving undergraduates will be handled by designated Administrative Reviewers within Campus Life; matters involving graduate students will be handled by Administrative Reviewers from the Graduate School; and matters involving medical students will be handled by Administrative Reviewers from the Medical School.

**Procedures.** The [Case Administrator](#) provides the respondent with written notice of the charge(s) and a summary of the evidence. The student contacts the Administrative Reviewer to schedule the meeting. The student can review all evidence prior to the hearing upon request. At the meeting, the respondent(s) has an opportunity to be heard, and the Administrative Reviewer decides if the respondent is responsible for violation(s) of the Code.

**Outcomes.** If the respondent is found responsible, the Administrative Reviewer will impose a community status up to probation with restrictions for three (3) semesters (see “Community Statuses”). The Administrative Reviewer may also impose accompanying terms (see “Accompanying Terms”). When determining an appropriate outcome, Administrative Reviewers will consider the nature of the incident and its context as well as any prior disciplinary findings and outcomes. Within five (5) days of the conclusion of the review, the Case Administrator will notify the respondent in writing of the decision in the case.

**Student Group Administrative Review Meeting.** Allegations of prohibited conduct by student groups will be resolved through Student Group Administrative Review Meetings conducted by administrators of the University. These meetings will be between one University administrator and the leader of the student group under review.

**Procedure.** The Case Administrator will notify, in writing, the leader (or other responsible student) of the student group of the allegation(s). The student group has the opportunity to review all evidence upon request prior to the meeting, to prepare a response, and to be heard regarding the allegations. The Administrative Reviewer will decide if the student group is responsible for violation(s) of the Code of Student Conduct.

**Outcomes.** The most serious community status outcome of this proceeding is 3 semesters of probation with restrictions, but other restrictions on the student group may be imposed. When determining an appropriate outcome, Administrative Reviewers will consider the nature of the incident and its context as well as any prior disciplinary findings and outcomes. Accompanying terms may be assigned as appropriate. Within five (5) days of the conclusion of the review, the Case Administrator will notify the student group’s leader(s) in writing of the decisions in the case.

For more information about procedures involving allegations against student groups, please see the Student Conduct Procedures for Student Groups.

### 3.c Disciplinary Response Options, Higher Level

**Restorative Board Hearing.** Students who take responsibility for engaging in prohibited conduct that has caused serious harm (e.g., physical assault, serious and/or bias-related harassment, major theft or property damage) may be offered the opportunity to participate in a Restorative Board Hearing if deemed appropriate by the Case Administrator. Such proceedings will focus on the harm that was caused and ways that the student(s) who caused it can address and repair that harm.

**Procedures.** Students who have caused harm will appear before a panel of three Restorative Board members in a formal setting. During the hearing, board members discuss with the responsible party the nature of the incident and its negative impacts. Harmed parties may be present or may have their perspectives represented through impact statements. Then board members will develop a set of proposed outcomes which they discuss with the responsible party until an agreement is made about the specific actions the responsible party will take within a given time period to make reparation for the harms. Subsequently, the responsible party must document their progress in fulfilling the terms of the agreement. If no agreement is made, the case will be referred to a Student Conduct Board or Administrative Hearing.

**Outcomes.** Agreed upon outcomes will be focused specifically on the particular harms associated with the incident and may include a leave of absence from the University to allow a period of healing and reflective growth for all parties. If all terms of the agreement are completed in full, no official community status outcomes or further disciplinary action will result. If the terms of the agreement are not completed in full, a board-recommended outcome will be implemented.

**Student Conduct Board Hearing.** The Student Conduct Board, comprised of students, faculty, and deans or administrators, will hear matters involving prohibited conduct that may result in separation from the University and/or a transcript remark. Cases before the Student Conduct Board may involve serious prohibited conduct in a single incident or a persistent pattern of less severe prohibited conduct.

**Procedures.** The Student Conduct Board will review the evidence and hear testimony before it determines whether the respondent(s) is responsible for violations of the Code and recommends an appropriate outcome to the Director.

**Outcomes.** If the respondent is found responsible, the Hearing Officers will recommend a range of community status outcomes up to expulsion from the University, including any accompanying terms (see “Community Statuses” and “Accompanying Terms”), to the Director for final determination. After a determination of responsibility and prior to the recommendation of an outcome, the Case Administrator will inform the panel of any prior disciplinary findings against the respondent. This information will also be provided to the Director. Within five (5) days of the conclusion of the hearing, the Director will notify the

respondent(s), and the complainant(s) as permitted by applicable law, of the outcome of the case.

For more information about procedures governing Student Conduct Board Hearings, please see section [6 Student Conduct Board and Administrative Hearing Procedures](#).

**Administrative Hearing.** An Administrative Hearing will be conducted by a single dean or administrator of the University for matters involving prohibited conduct that may result in separation from the University and/or a transcript remark. Cases resolved through an Administrative Hearing may involve serious prohibited conduct in a single incident or a persistent pattern of less severe prohibited conduct. In general, matters involving undergraduates will be heard by Hearing Officers from Campus Life & Student Services and/or the Office of the Dean of the College; matters involving graduate students will be heard by administrators from the Graduate School; matters involving medical students will be heard by administrators from the Medical School.

**Procedures.** The hearing procedures will be informal, but they will be consistent with the basic rights afforded to students (see “Student Rights and Responsibilities”). At least seven (7) days before the hearing, the Case Administrator will provide the respondent(s) with written notice of the charge(s), the time and location of the hearing, and a copy of the case materials. The hearing will be conducted by the Hearing Officer along with the Case Administrator, who will decide upon matters related to witnesses, evidence, and procedures. The Case Administrator may exclude from a hearing any person in attendance who disrupts the hearing. The Case Administrator may consult with the Hearing Officer and other University officials as necessary. At the hearing, the respondent(s) has an opportunity to be heard, and the Hearing Officer decides if the respondent is responsible for violation(s) of the Code of Student Conduct.

**Outcomes.** If the respondent is found responsible, the Hearing Officer will recommend a range of community status outcomes up to expulsion from the University, including any accompanying terms (see “Community Statuses” and “Accompanying Terms”), to the Director for final determination. After a determination of responsibility and prior to the recommendation of an outcome, the Case Administrator will inform the Hearing Officer of any prior disciplinary findings against the respondent. This information will also be provided to the Director. Within five (5) days of the conclusion of the hearing, the Director will notify the respondent(s), and the complainant(s) as permitted by applicable law, of the outcome of the case.

For matters serious enough to warrant a higher-level hearing, the Director will determine whether the charged student will be given the option to have the matter resolved through an Administrative Hearing or a Student Conduct Board Hearing. For charges involving *D.9 Harassment* or *D.10 Harm to Person(s)*, students will not be offered a choice and will have their cases resolved through a

Student Conduct Board Hearing, except as provided for below. In determining whether a student will be offered a choice, the Director may take into consideration factors which include without limitation the complexity, severity, and community impact of the case. In some cases, including those involving charges of D.9 Harassment or D.10 Harm to Person(s), the Director may refer a case directly to an Administrative Hearing if convening a Student Conduct Board Hearing would result in a significant delay in the resolution of the matter (e.g., during academic recesses). Serious matters involving student groups at this level will be heard by the Student Conduct Board.

#### 4. Student Rights and Responsibilities

The Principles of the Brown University Community expect community members to act with integrity in all facets of University life, including involvement with matters being addressed by the Student Conduct Procedures.

**Respondent Rights.** Students and student groups are afforded the following rights in Student Conduct proceedings:

- A. To be informed in writing of the charge(s) and alleged prohibited behavior.
- B. To not be presumed responsible of any alleged violations unless so found through the appropriate student conduct proceeding.
- C. To have an advisor during a formal Investigative Review, a hearing before the Student Conduct Board, an Administrative Hearing, or a Restorative Board.
- D. To request reasonable accommodations through Student and Employee Accessibility Services to participate in these proceedings.
- E. To have a reasonable length of time to prepare a response to any charges.
- F. To be informed of the evidence upon which a charge is based and afforded an opportunity to offer a relevant response.
- G. To be given an opportunity to articulate relevant concerns and issues, express opinions, and offer evidence before the Administrative Reviewer or Hearing Officer(s). (Students have the right to prepare a written statement in matters that may result in separation from the University.)
- H. To be afforded privacy, in accordance with University practices and legal requirements.
- I. To request that an Administrative Reviewer, Hearing Officer, Restorative Board member, or member of a Student Conduct Board be disqualified on the grounds of personal bias.
- J. To appeal a decision based on certain grounds.
- K. To refrain from providing information that is self-incriminating.

**Complainant Rights.** Students serving as complainants in University proceedings are afforded the following rights:

- A. To be informed in writing of the charge(s) and alleged misconduct for Student Conduct Board Hearings, Administrative Hearings, or Restorative Boards.

- B. To have an advisor during a formal Investigative Review, a hearing before the Student Conduct Board, an Administrative Hearing, or a Restorative Board.
- C. To request reasonable accommodations through Student and Employee Accessibility Services to participate in these proceedings.
- D. To have a reasonable length of time to prepare for a proceeding.
- E. To be given an opportunity to articulate relevant concerns and issues, express opinions, and offer evidence before the Administrative Reviewer or Hearing Officer(s).
- F. To be afforded privacy, in accordance with University practices and legal requirements.
- G. To request that an Administrative Reviewer, Hearing Officer, Restorative Board member, or member of a Student Conduct Board be disqualified on the grounds of personal bias.
- H. To appeal a decision in cases of *D.9 Harassment* or *D.10 Harm to Person(s)*.

## 5. General Provisions for Disciplinary Procedures

All non-restorative disciplinary proceedings will be conducted in accordance with the following:

1. **Closed Proceedings.** All hearings and Administrative Review Meetings will be closed to the public.
2. **Privacy.** Except as permitted or required by law (for example, in response to a lawfully issued subpoena or court order), information disclosed during these proceedings will remain private unless there is a need to disclose it to others within the University (e.g., Residential Life in the case of a housing relocation).
3. **Qualification and Responsibilities of Hearing Officers.** Student members of hearing bodies must be currently enrolled and in good standing, that is, not on academic warning or currently on any community status. All administrative and faculty members will be full-time employees of the University. All Hearing Officers will be required to maintain privacy related to all aspects of the proceedings. The Director is responsible for removing any Student Conduct Board member who violates privacy and may refer the matter for disciplinary action. If the specific member(s) of a Student Conduct Board panel cannot be identified, the Director may recommend to the Dean of Students<sup>3</sup> that the panel in question be disbanded.
4. **Qualification and Responsibilities of Administrative Reviewers.** All Administrative Reviewers will be full-time employees of the University and will be required to maintain privacy related to all aspects of their proceedings. The Director is responsible for handling any violations of privacy by Administrative Reviewers.
5. **Disqualification and Exclusion.** Any member of a hearing body who believes that they are prejudiced by association with the case, the participants, or by information or belief will disqualify themselves from hearing the case. A respondent or complainant may request, in writing, that a member of a hearing body be disqualified from hearing a case. The request will be made to the

---

<sup>3</sup> All references to the Dean of Students throughout this document will be understood to include their designee.

Case Administrator by 9:00 AM no more than two (2) days after receiving the charge letter and will include an explanation as to why the member is unable to render an impartial decision in the case.

6. **Standard of Evidence.** In determining whether or not an offense has been committed, the Administrative Reviewer or Hearing Officer(s) will base determinations on the standard of preponderance of the evidence (more likely than not).
7. **Multiple Students.** Cases in which more than one student is charged with violating the Code and which depend on common facts or set of evidence may either be considered jointly in a single proceeding with the consent of all parties or be assigned to separate, individual proceedings as determined by the Director.
8. **Case Administrator.** A Case Administrator is a University official designated by the Director to manage these procedures. Additionally, the Case Administrator will respond to requests from respondents and complainants during the pre-hearing phases of the student conduct procedures and will chair any higher-level hearings. As the chair of higher-level hearings, the Case Administrator will participate in the deliberations but will not have voting rights.
9. **Investigator.** For most cases in which allegations could result in a separation from the University, as determined by the Office of Student Conduct and Community Standards, the University will use an investigator model to conduct an Investigative Review of allegations. This will include interviews with the complainant(s), respondent(s), and any relevant witnesses. These interviews may be conducted by Student Conduct & Community Standards Deans or an appointed investigator if deemed appropriate by the Dean of Students. Complainant(s) and respondent(s) will have an opportunity to provide information to the investigator. If the complaint is not complex in nature, it may be reviewed by collecting written statements and/or any relevant documents from complainant(s), respondent(s), and any relevant witnesses. The Director will decide, based on the severity of the behavior, relevant circumstances of the case, and resources available, how a case will be investigated.
10. **Respondent.** The respondent is the charged student(s) and is entitled to be present during the course of any disciplinary proceeding. The respondent will not be present during other meetings designed to gather information from complainants or witnesses. The Administrative Reviewer or Hearing Officer(s) may decide to hold a proceeding even if a respondent fails to appear despite proper notification. In restorative proceedings, the respondent will be referred to as the responsible party.
11. **Complainant.** The complainant is the person who has filed a complaint. The complainant is entitled to be present during the course of the hearing concerning their complaint for higher-level hearings. The complainant will not be present during other meetings designed to gather information from the respondent(s) or witnesses. For matters heard by the Student Conduct Board or by an Administrative Hearing Officer in which there is no complainant, a University official other than the Case Administrator will serve in that capacity. For lower-level proceedings, the complainant will not be present during a respondent's Administrative Review Meeting but may have a separate meeting with the Administrative Reviewer. In restorative proceedings, the complainant will be referred to as the harmed party.

12. **University Representative.** In cases for which there is no complainant, a University official will participate in the hearing process instead as the complainant.
13. **Attorneys.** For Title IX-related allegations only, the respondent may be accompanied by an attorney to serve as the respondent’s advisor, but the attorney may not participate in the hearing.
14. **Witnesses.** Members of the University community, including respondents, are expected to appear at a hearing or participate in an investigation if they have knowledge or information regarding the incident in question and they have been notified to appear. Individuals who are not members of the University community will generally be permitted to appear at a hearing only if they have direct knowledge or information regarding an incident that is not otherwise available. Members of the University community who may have knowledge or information regarding an incident or complaint may be asked to meet with a University official to share information or with the Administrative Reviewer or Hearing Officer(s) to inform the outcome of a disciplinary proceeding.
15. **Amnesty for Personal Ingestion of Alcohol or Other Drugs.** Brown University generally will offer amnesty to a reporting student, whether as a complainant or a witness, for the personal ingestion of alcohol or other drugs in violation of the Code. Please refer to the [Alcohol and Other Drug Policy](#) for more information.
16. **Appeals.** See [8. Appeal Process](#).
17. **Timing and Deadlines.** “Days” in these procedures refer to business days, not weekends or University holidays. Any requirement in these procedures must be completed by 3:00 PM on the day specified, unless otherwise noted in writing. A hearing or deliberations may be conducted on a Saturday, Sunday, or University holiday, if necessary.
18. **Advisors.** Students or student groups are entitled to have an advisor during Investigative Reviews and higher-level hearings. Advisors must be full-time faculty or staff members of the University but may not be attorneys unless there are Title IX-related allegations under consideration. Advisors may accompany students to any meeting or proceeding outlined in the Student Conduct Procedures.
19. **Impact Statements.** A person making a complaint shall have the right to submit an impact statement to the Administrative Reviewer or Hearing Officer(s) to be considered after a finding of responsibility but prior to a determination of outcome(s). A respondent in a higher-level proceeding may submit a statement of mitigation or extenuation. Impact statements shall not be considered as evidence that the incident in question was in fact committed, and shall not be the basis for examination in any proceeding. However, the Administrative Reviewer or Hearing Officer(s) may consider the impact statement in making a determination as to the appropriate outcome to be imposed upon a finding that the Code has been violated.
20. **Emergency Separation.** For matters in which a student poses a danger to the immediate safety or well-being of the University community, the President, the Vice President for Campus Life, the Dean of the College, the Dean of the Graduate School, the Dean of Medicine and Biological Sciences, and the Dean of Students or their designees have the authority to separate the student from the University and to impose any additional conditions deemed necessary.

21. **Interim Measures.** The University may authorize interim measures, which include but are not limited to no contact orders and housing relocation, prior to and following the resolution of a matter under these Procedures.
22. **Criminal/Civil Charges.** University disciplinary proceedings may be initiated and proceed in cases involving conduct that potentially violates both criminal and/or civil laws and the Code, even though a legal investigation or court proceeding might be pending. University proceedings may occur before, during, or after the criminal/civil court process.

## 6. Student Conduct Board and Administrative Hearing Procedures

**SCB Membership.** The membership of the Student Conduct Board will consist of faculty members, undergraduate deans, graduate deans, deans from the Division of Biology and Medicine, School of Engineering, School of Professional Studies, and School of Public Health, other University administrators, undergraduate students, graduate students, and medical students. The appropriate student governance bodies will appoint student members for the upcoming academic year. If a student governance body fails to appoint sufficient members, the Director may select students to fill the positions. If there is a vacancy among the members of the SCB or if an additional member or members are needed to hear a case, the Director may appoint a temporary member. All student members are subject to the approval of the Dean of Students.

**Hearing Panels.** The composition of the hearing panel will correspond, in general, to the University status (undergraduate, graduate, and medical) of the respondent(s). Each panel will consist of three members - one must be a student while the other two panel members may be deans, administrators, or members of the faculty.

**Administrative Hearing Officer Membership.** Administrative Hearing Officers may be drawn from across the campus community so long as they are full-time University faculty or staff members. In general, matters involving undergraduates will be heard by Hearing Officers from Campus Life & Student Services and/or the Office of the Dean of the College; matters involving graduate students will be heard by Hearing Officers from the Graduate School; matters involving medical students will be heard by Hearing Officers from the Medical School.

**The Case Administrator.** The Case Administrator organizes the hearing procedures, including recruiting the panel, communicating to all parties about hearing date and time, and distributing case materials to all parties. The Case Administrator also chairs higher-level hearings and is responsible for conducting the hearing and deciding upon matters related to witnesses, evidence, and procedures. The Case Administrator may exclude from a hearing any person in attendance who disrupts a hearing. The Case Administrator may consult with the Student Conduct Board and other University officials as necessary. As the chair of higher-level hearings, the Case Administrator may ask questions at the hearing and will participate in the deliberations but will not have voting rights.

**Notice.** At least seven (7) days before the hearing, the Case Administrator will provide the respondent(s) and complainant(s), if applicable, with written notification of the charges, the time and place of the hearing, and a copy of the case materials.

**Expedited Hearing(s).** If the Director determines that an expedited hearing is necessary (e.g., end of the academic year), deadlines may be shortened.

**Requests for Witnesses.** The respondent(s), complainant(s), and hearing officer(s) will provide the Case Administrator with a written list of witnesses they would like to appear at the hearing at least four (4) days prior to the hearing by 9:00 AM. For cases in which an investigator is not used, all witnesses will provide a written statement and/or any relevant documents at least four (8) days prior to the hearing by 9:00 AM. If, after the four-day deadline, either party believes that there is new information which may substantially influence the outcome of the hearing, they will request of the Case Administrator that the information be admitted to the hearing. The Case Administrator will also notify the parties of any other witnesses who have been called to appear at the hearing. The Case Administrator will make all decisions about witnesses appearing at the hearing.

**Hearing Outline.** Administrative and Student Conduct Board Hearings proceed as follows:

1. The Case Administrator (and chair of the hearing) reads the charge(s) and informs the respondent(s) of the right to remain silent.
2. The Case Administrator is available to answer questions about the case materials.
3. The respondent or their advisor may make an opening statement.
4. The complainant or their advisor may make an opening statement. A University Representative may fulfill this role if there is no complainant.
5. The Hearing Officer(s) examines the evidence and the testimony of any witnesses, including the respondent, complainant, and the Investigator, if applicable. The respondent(s) and the complainant(s) may ask questions of all witnesses who are called to the hearing. It may be required that all questions be directed through the Case Administrator. At the discretion of the Case Administrator, witnesses may be recalled.
6. The complainant or their advisor may make a closing statement.
7. The respondent or their advisor may make a closing statement.

**Deliberations.** Following the closing statements, the Hearing Officer(s) adjourns into closed session (1) to determine if the respondent(s) is responsible for violation(s) of the Code and, if so, (2) to recommend a range of appropriate community status outcomes up to expulsion from the University and any accompanying terms (see [7 Outcomes](#)) to the Director. After a determination of responsibility but prior to the recommendation of outcomes, the Case Administrator informs the Hearing Officer(s) of any prior disciplinary finding(s) against the respondent and shares any impact statements with them. Decision(s) of the Student Conduct Board will be made by majority vote and will be forwarded to the Director. Administrative Hearing Officers will also forward their decision(s) to the Director. As the chair of higher-

level hearings, the Case Administrator may ask questions at the hearing and will participate in the deliberations but will not have voting rights.

**Outcome Notification.** Within five (5) days of the conclusion of the hearing, the Director will notify the respondent(s), and the complainant(s) as permitted by applicable law, of the outcome of the hearing.

**Appeals.** Please see [8 Appeal Process](#).

**Power of Review in the President.** After the appeal process has concluded, the President may review at the President's own initiative the decisions of the SCB and may affirm, reverse, or modify the decision and/or change the community status outcome and accompanying terms. There will be no appeal from a decision rendered by the President.

## 7. Outcomes

**Community Status.** Violations of the Code may result in the following community statuses, in order of increasing severity. When determining an appropriate community status, the Administrative Reviewer or Hearing Officer(s) will consider the nature of the incident and its context as well as any prior disciplinary findings. All community statuses may include accompanying terms as appropriate. Violation of any community status or accompanying term will warrant a review by the Director and may result in forwarding the matter to the Student Conduct Board or an Administrative Hearing.

**Reprimand.** A reprimand is a written notice that a student has violated the Code and that another violation will likely result in a more severe community status.

**Probation.** Probation is a designated period of time during which the student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code. Conditions regarding participation in University-sponsored activities may be imposed. Students on this community status are considered to not be in good community standing.

**Probation with Restrictions.** Probation with restrictions is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code. A student on probation with restrictions shall not represent the University as an official delegate or representative, hold an office (elected or appointed) in University groups of any kind, or participate in University-sponsored travel or study abroad. If the student is found responsible for any additional Code violations during the period of probation with restrictions, the student may be subject to more severe disciplinary action. Students on this community status are considered to not be in good community standing.

**Suspension.** Suspension is separation from the University for a designated period of time, after which the suspended student may petition the Dean of Students for re-enrollment to the

University. The petition must demonstrate that the student has satisfied any accompanying terms of the suspension. A student who has been suspended may not be on University property without the prior written approval of the Dean of Students. A suspended student is prohibited from participating in any University activity or program. Suspensions result in a permanent entry on the internal academic record and official academic transcript maintained by the Registrar. These entries cannot be removed once applied.

**Expulsion.** Expulsion is permanent separation from the University. A student who has been expelled is prohibited from entering any University property and participating in any University activity or program. Expulsions result in a permanent entry on the internal academic record and official academic transcript maintained by the Registrar. These entries cannot be removed once applied.

**Accompanying Terms.** In addition to imposing a community status, the Administrative Reviewer or Hearing Officer(s) may assign accompanying terms designed to ensure responsible behavior and the well-being of the University community, help the responsible student learn from the experience, and ameliorate the effects of the conduct on the aggrieved student(s). Examples of accompanying terms include but are not limited to restitution, reflection or research papers, letters of apology, restorative circles, attending or presenting educational programs, No Contact Orders, or referrals to other offices and resources on campus. Please refer to the Office of Student Conduct and Community Standards website for more information about accompanying terms.

## 8. Appeal Process

**Deadlines.** Within five (5) days of notification of any non-restorative proceeding outcome, the respondent(s) may appeal, in writing, the decisions in the case, setting out the reason(s) for the appeal. Appeals for Administrative Review Meetings will be submitted to the Director. Appeals for higher-level hearings will be submitted to the Dean of Students.

**Grounds for Appeal.** Appeals will normally be considered only when: (1) there is relevant new evidence that was not reasonably available to be presented to the original Administrative Reviewer or Hearing Officer(s) and that in the judgment of the appeal officer the introduction of the information may have changed the finding by the original Administrative Reviewer or Hearing Officer(s); or (2) when a substantial procedural error by the University, Administrative Reviewer, or Hearing Officer(s) is demonstrated and in the reasonable judgment of the appeal officer such error is sufficient enough that it may have affected the decision of the original Administrative Reviewer or Hearing Officer(s). If it is determined that the appeal has merit, the appeal officer may modify the findings, the community status, or the accompanying terms, or may remand the matter to an appropriate Administrative Reviewer or Hearing Officer(s).

**Complainant Appeals.** For proceedings involving Title IX-related charges or charges under *D.9 Harassment* or *D.10 Harm to Person(s)*, the complainant shall have the right to appeal on the same terms as the

respondent. If it is determined that the complainant's appeal has merit, the appeal officer may modify the findings, the community status, or the accompanying terms, or may remand the matter to an appropriate Administrative Reviewer or Hearing Officer(s).

**Appeal Review.** All Administrative Review Meeting appeals will be heard by the Director. Appeals for higher-level hearings will be heard by the Dean of Students or designee.