



# Student Conduct Review Process



# Student Conduct Process Overview

- Philosophy behind the Student Conduct Process
  - To protect the University community and others impacted by students exhibiting unhealthy behaviors.
  - Hold students accountable for actions which may harm themselves and others.
  - Provide students an opportunity to learn and grow from their experiences.



# Student Conduct Code

- Through the student conduct code as well as other university policies and directives, the university sets forth specific behavioral and academic expectations for students and student organizations.
- It is the responsibility of each student or student organization to clearly understand and comply with those expectations.



# Difference between student conduct and the criminal process

	CONDUCT HEARINGS	CRIMINAL TRIALS
STANDARD OF PROOF	Preponderance of evidence (This is also known as “more likely than not.”)	Beyond a reasonable doubt (the doubt that prevents one being firmly convinced of a person’s guilt of a crime)
RIGHT TO CROSS-EXAMINE	Respondent/Complainant may ask questions through their advisors.	Direct cross-examination guaranteed by the Sixth Amendment to the U.S. Constitution.
RIGHT TO LEGAL COUNSEL	Students may elect to have an attorney serve as their advisor, but participation may vary depending on type of hearing that is being held.	An attorney typically represents and speaks on behalf of their client throughout criminal process.



## TERMINOLOGY

STUDENT CONDUCT TERM	LEGAL SYSTEM
Not responsible	Guilty/Not guilty or innocent
Responsible	Guilty
Conduct Review Officer	Court officer
Respondent	Defendant
Complainant	Plaintiff
Student Conduct/Disciplinary	Judicial/Criminal
Hearing	Trial
Sanctions	Sentence



# Student Conduct Hearing Review Process

- Goal – 90 day case turn around
- SRR receives a report of a potential violation. This can come from anyone, including students, faculty, staff, police, or other community members.
- The SRR Director and/or the TIX Investigator investigates and determines whether to open a formal conduct case.
- If a formal case is created, the student is sent notice (both via email and hard copy) of the alleged violation(s). The student/student organization is scheduled for a prehearing conference with the assigned conduct officer, usually within a week of the notice.



- The student/student organization meets with the conduct officer in a prehearing meeting, who explains the student's rights under the code and the hearing procedures.
  - In Title IX cases, the complainant will also attend a prehearing conference either with the respondent or will have the options of having a separate prehearing conference.



# Rights of Students (WAC 172-121-030)

Any student or student organization charged with any violation of the student conduct code, and the complainant in the case of an allegation of sexual misconduct or interpersonal violence, have the following rights where applicable:

- (1) The right to a fair and impartial conduct review process;
- (2) The right to prior written notice to attend a prehearing conference or hearing;
- (3) The right to remain silent during any conduct review hearing;
- (4) The right to know who filed the complaint against them as described in WAC 172-121-110;
- (5) The right to speak on their own behalf in all proceedings;
- (6) The right to hear all information and view all material presented against him or her;



# Rights continued....

- (7) The right to call witnesses as described in WAC 172-121-122;
- (8) The right to ask or submit questions to be asked of witnesses for a full hearing, in a method determined by the conduct review officer, as described in WAC 172-121-122;
- (9) The right to consult an advisor as described in WAC 172-121-105(3);
- (10) The right to be presumed not responsible;
- (11) Complainants have the right to opt out of participating in the student conduct process;
- (12) The right to appeal as provided in WAC 172-121-130; and
- (13) The right to be subjected to university disciplinary action only one time for the same conduct.



# Types of hearings

- Either a Brief Adjudicative Hearing or a Full Adjudicative Hearing is conducted to determine whether or not a violation occurred.
- **Brief Adjudicative Hearings** are conducted by a Conduct Review Officer.
  - If found not responsible, the case is either dismissed.
  - If found responsible, then the student is sanctioned at a level that is less than suspension or expulsion from the university.



**Full Adjudicative Hearings** are heard by the Student Disciplinary Council (SDC).

The SDC is responsible for hearing the case and deciding whether or not the student/student organization is responsible for the alleged violations.

- If the decision is not responsible, then the case is dismissed.
- If the decision is responsible, then the SDC chair decides the sanctions for the case. The Respondent is allowed to appeal the decision.
  - In Title IX cases, the complainant is also allowed to appeal the hearing decision.



# Student Disciplinary Council (SDC) Structure

- Required quorum – Four participants
- Chair – Nonvoting (DOS or designee)
- Three faculty/staff/student
  - For TIX cases, only faculty and staff may set on the council.
- All decisions are made by majority vote



- The success the hearing board is dependent on its members working to provide a fair and objective review process for students who appear before it.
  - set aside bias and emotional responses in reviewing the facts of the case
  - compare these facts to policy
  - ask relevant and fair questions
  - utilize the appropriate standard of proof in decision making
  - develop and recommend educational and restorative sanctions which address the behaviors and decision making in question



# Ethics of the Hearing Board

- Hearing board members are expected to take measures to ensure participants' privacy, as well as ensure they receive a fair and impartial review process.
  - Refrain from discussing the disciplinary status of any student/student organization with anyone outside of the hearing aside from SRR staff.
  - Refrain from discussing the behavior of any participant outside of the hearing.
  - Make statements which are not accusatory in nature.
  - Disclose any actual or perceived conflict of interest to the chair as soon as you become aware of it.
  - Avoid disclosing individual votes regarding any decision outside of the hearing.
  - Make decisions regarding alleged behavior only as it applies to the Student Conduct Code. Personal judgments and/or imposition of individual beliefs is not appropriate.
  - Refrain from speculating to participants regarding a potential outcome.



# Questions?

