SECTION 2: CONDUCT REGULATIONS AND PROCEDURES

2-5(a) COMPLAINTS, INVESTIGATIONS, AND CHARGES

1. For purposes of Articles V and VI, “student” or “accused student” may also apply to an accused student organization.

2. Any member of the University community may file a complaint against a student for violations of the Code. A complaint shall be prepared and directed to an SCA. Any complaint should be submitted as soon as possible after the event takes place.

3. The SCA may conduct an investigation to determine if the complaint has merit and/or if it can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the SCA. Such disposition shall be final and there shall be no subsequent proceedings.

4. If a complainant alleges an offensive act has occurred that is harassing or act of sexual violence, the complainant has enumerated rights within the disciplinary process. See Section 4-4-c of the Code for such rights during the investigation or in an administrative hearing, and Appendix VII of the Code for the rights of parties in a Student Relations Committee hearing.

5. In cases that a written statement alleging acts that are harassing or discriminatory by a student against the complainant or other person, the SCA may withhold the right to read accusatory information until such a time as the accused student (respondent) provides a written statement or until a formal charge(s) is made against the accused student (respondent).

6. The SCA shall consider the complaint and other information and determine what charge(s), if any, are to be filed against an accused student(s).

7. All Charges shall be presented by an SCA to the accused student. A time shall be set for a Hearing, not less than three nor more than fifteen calendar days after the student has been notified. A student may waive the minimum period. Maximum time limits for scheduling of hearings may be extended at the discretion of the SCA for extenuating circumstances (such as semester breaks or the institutionalization or other inavailability of the student).

8. If the student admits violating institutional rules, but sanctions are not agreed to, a subsequent process, including a hearing if necessary, shall address the determination of appropriate sanction(s).

9. The accused student has the right to access and review any information that will be used in the hearing.

10. The accused student has the right to be assisted by an advisor, including an advisor they choose at their own expense:

   a. the advisor may be a member of the University community.

   b. the advisor may be an attorney; in such cases, note that Guidelines for Attorneys who accompany accused students are available in the Dean of Students Office. Included in these guidelines is a requirement of a five business day notice to the University of a student’s intent to be accompanied by an attorney.
c. a student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Hearing. Delays will not normally be allowed due to the scheduling conflicts of an advisor.

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