SECTION 2: CONDUCT REGULATIONS AND PROCEDURES

2-5(b) ADMINISTRATIVE HEARING PROCEDURES

A. Hearings

1. If an accused student, with notice, does not appear at a hearing, the information shall be presented and considered. The SCA shall reach a decision, even if the Accused Student is not present.

2. The SCA may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing, and in whatever manner, as determined in the sole judgment of a SSCA to be appropriate.

3. Hearings shall be conducted by a SCA according to the following guidelines:
   a. Hearings shall be conducted in private.
   b. In Hearings involving more than one accused student, the SCA, in his or her discretion, may permit the hearings concerning each student to be conducted either separately or jointly.
   c. The accused student is responsible for presenting his or her own information, and therefore, advisors are not permitted to participate directly in the hearing. They may advise the student quietly, in a manner that does not disrupt the proceedings.
   d. The accused student may arrange for witnesses to present pertinent information to the SCA.
   e. Pertinent records, exhibits, and written statements (including student impact statements) may be accepted as information for consideration by the SCA.
   f. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Code proceedings. All procedural questions are subject to the final decision of the SCA.
   g. The disciplinary process is educational in nature and a determination is made by a preponderance of the information standard. A later finding of a court of law does not impact any completed disciplinary process.

B. Decision

1. After the information portion concludes, in which all pertinent information has been received, the SCA shall reach a Decision whether the accused student has violated the Code.

2. The SCA may determine that more information is necessary before reaching a Decision or that referral of the received information to another SCA or Judicial Officer is warranted, and, with notice to the accused student, continue or refer the investigation of the complaint.

3. The SCA’s determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Code.

4. Any decision shall be rendered to the student in writing within five business days.
C. Complaint Referrals

1. Referral to Judicial Officer

An SCA who has received a complaint and/or discovers information during an investigation that may indicate a student has violated the Code and that such violation may indicate that Suspension is warranted may refer the case and all information associated with the case to a Judicial Officer in the Dean of Students Office.

2. Referral by Judicial Officer to Student Relations Committee (SRC)

A Judicial Officer who receives information that may indicate a student has violated the Code and that such violation may indicate that Suspension is warranted, may request the Advisor for the SRC that a case be scheduled before the SRC. See Appendix VII of the Code for SRC Procedures.

2. Denial of referral to SRC

The SRC may refuse to accept or to consider the information relevant to an accusation, and return the case to an SSCA for action.

D. Right to Suspend in Emergency Situations

See Section 3 of the Code.