APPENDIX VII: STUDENT RELATIONS COMMITTEE (SRC)

VII-4 PROCEDURES FOR A FULL HEARING

A. Prior to the Hearing
   The Dean of Students or designee shall confer with the SRC Advisor to establish a time, date, and place for the hearing, and notify the accused student of such in writing. The accused student shall receive the Hearing Notification Letter at least seven business days prior to the hearing date. A student may request in writing that an earlier date be set. The SRC Chairperson, for good cause, may postpone the hearing and notify all interested persons of the new hearing date, time, and place. The SRC Chair, in consultation with the SRC Advisor, may refuse to conduct a hearing when in their determination there is insufficient information for a Panel to consider or the alleged violation would not merit suspension as a sanction. A Senior Student Conduct Administrator may then assign such a case to any Student Conduct Administrator for resolution. Section 2-5a and Section 2-5b of the Code.

B. The Hearing Notification Letter to the accused student shall:
   1. Direct the accused student to appear at the date, time, and place specified.
   2. Include alleged violations of the Code.
   3. Advise the student that information provided to the Panel will be included in the deliberations.
   4. Advise the student of the rights specified in Appendix VII-4-C of the Code.
   5. Include a request to the student to provide the following information to the SRC Advisor at least five business days before the hearing: the identity of the student’s Personal Advisor (Advocate) if any, whether the Personal Advisor (Advocate) is a licensed attorney, whether the Personal Advisor will act as a Personal Advocate will be the student’s Personal Advisor, and whether the student requests that the hearing be an open hearing.
   6. Include a notice to the student to provide the following information to the SRC Advisor at least at least two business days before the hearing: a list of witnesses to be called on behalf of the student and copies of any documents or other materials to be presented by the student at the hearing.
   7. Contain the name of the person appointed to act as chairperson of SRC.
   8. Contain the name of the person appointed to act as Process Advisor for the student.
   9. Contain the names of witnesses being called by the Judicial Officer, and a description of information, materials, and charges that will be offered against them.
   10. Contain a redacted copy of the complaint.
   11. Provide a copy of the Retaliation Prohibited statement (Section 1-29 of the Code).
   12. Notify the student that if s/he chooses to serve as a witness, the student may be questioned by the Judicial Officer, the student complainant, and the Panel.

C. Rights of the Accused Student
1. To a closed hearing unless the accused student, the student complainant, if applicable, and the Judicial Officer agree to an open hearing.

2. The opportunity to appear, alone or with a Process Advisor and/or Personal Advisor (Advocate).

3. To challenge one member of the Panel for bias at the start of the hearing.

4. To know the identity of each witness who will speak to the alleged events.

5. To serve as a witness, or not; to call witness(es); submit documentary and other information; offer information; and speak in his/her own behalf.

6. To question each witness, for the purpose of clarification.

7. To have access to the record of the hearing after all proceedings are complete.

8. To appeal the decision of the SRC.

D. When applicable, the Hearing Notification Letter to the student complainant shall:

1. Inform the student of the date, time, and place specified for the hearing.

2. Advise the student that information provided to the Panel will be included in the deliberations.

3. Advise the student of the rights specified in Appendix VII-4-E of the Code.

4. Include a notice to student to provide to the SRC Advisor at least five business days before the hearing, whether an attorney will be the student’s Personal Advisor.

5. Contain the name of the person appointed to act as chairperson of SRC.

6. Provide a copy of the Retaliation Prohibited statement (Section 1-29 of the Code).

7. Notify the student that if s/he chooses to serve as a witness, the student may be questioned by the Judicial Officer, the accused student, and the Panel.

E. Rights of the Student Complainant

In such cases when an act of violence or harassment is alleged, the student complainant has the following rights:

1. To receive a notice of the hearing.

2. The opportunity to appear, alone or with a Process Advisor and/or Personal Advisor (Advocate).

3. To request accommodations during the hearing to increase his/her comfort or sense of safety in providing information.

4. To speak for him/herself.
5. To know the outcome of the hearing.

6. To appeal the decision of the SRC.

F. Full Hearing Process

1. Persons in attendance include some or all of the following:
   
a. The accused student, and his/her Process Advisor and/or Personal Advisor (Advocate).
   
b. The University’s legal representative, when an attorney is present.
   
c. Panel members, the SRC Chair, the SRC Recorder, and the SRC Advisor.
   
d. Student complainant and his/her Personal Advisor (Advocate).
   
e. Judicial Officer
   
f. Any other employee or representative of the University whose presence is required for purposes of safety, logistics, or training, at the discretion of the Chair.

2. The hearing is convened by SRC Chair. Notification is made to all parties that the hearing is being audio recorded. This recording represents the sole official verbatim record of the SRC Hearing and is the property of the University of North Dakota.

3. The hearing may proceed in the absence of the accused student. Such an absence is not to be interpreted as an admission of responsibility nor a basis for additional disciplinary action. The University will be required to document that a reasonable attempt has been made to provide notification of the hearing to the student.

4. The accused student, the student complainant, if applicable, the Judicial Officer, each Personal Advocate, and each witness will sign an honesty oath, confidentiality statement, and retaliation prohibited statement. A confidentiality statement is read.

5. All persons in the room are introduced.

6. The accused student or his/her Personal Advocate, the student complainant and his/her Personal Advocate, if applicable, and the Judicial Officer are given the opportunity to challenge any member of the panel for bias.

7. The hearing shall be closed to the public unless the accused student, the student complainant, if applicable, and the Judicial Officer agree to an open hearing.

8. The SRC Chair reads the complaint. These alleged violations are read directly from the Hearing Notification Letter which was sent to the accused student prior to the SRC Full Hearing. The accused student responds whether s/he accepts responsibility for any, all, or none of the alleged violations of the Code.
9. If the accused student accepts responsibility for all of the alleged violations of the *Code*, the hearing will proceed directly to the sanctioning process. Prior to proceeding to the sanctioning phase, the student will be given an opportunity to provide additional information related to the violation(s) and acceptance of responsibility. Questions of clarification may be asked by the Judicial Officer, student complainant, if applicable, or Panel members.

10. If the accused student does not accept responsibility for all of the alleged violations of the *Code*, the hearing will proceed on the remaining alleged violations.

   a. Brief opening statements may be made by the Judicial Officer, the accused student or his/her Personal Advocate, and the student complainant or his/her Personal Advocate, if applicable.

   b. The hearing continues with the Judicial Officer, the accused student, and the student complainant, if applicable, presenting information from witnesses, documentation, or other evidence related to the incident. Witnesses may be questioned by the Judicial Officer, the accused student or his/her Personal Advocate, the student complainant or his/her Personal Advocate, if applicable, and by the Panel.

   c. The Judicial Officer, accused student or his/her Personal Advocate, and the student complainant or his/her Personal Advocate, if applicable, may each present closing statements.

   d. Following these closing statements, the Panel will move into deliberations to decide whether the accused student was responsible for a violation of the *Code*, using a preponderance of evidence standard. Only Panel members may be present in the room during deliberations. If during deliberations, the Panel believes it needs additional information, it may reopen the hearing by providing notice to all parties of its intent.

   e. When the Panel has concluded their deliberations, the SRC Recorder shall record the decision.

   f. The Chair will call the hearing back into session. The Chair will announce the Panel's decision for each alleged violation. If the accused student is not found responsible for any of the alleged violations, the hearing concludes. If the accused student is found responsible for one or more violations, the hearing will move into the sanctioning phase.

11. During the sanctioning phase, the Panel will hear information to assist in determining appropriate sanction(s) for the student who is in violation of the *Code* (“student in violation”).

   a. The Judicial Officer and the student complainant or his/her Personal Advocate, if applicable, may each present impact statements, expert witnesses, and character witnesses. Questions of clarification may be asked of witnesses.

   b. The Judicial Officer shall disclose if the student in violation has been found responsible for prior violations of the *Code*.

   c. The student in violation or his/her Personal Advocate, may present expert witnesses, character witnesses, and/or documentation on his/her behalf.
d. Recommendations for sanctioning are presented by the Judicial Officer, the student in violation or his/her Personal Advocate, and the student complainant or his/her Personal Advocate, if applicable.

e. The Panel deliberates and determines sanctions.

f. The Recorder records the decision.

g. The student in violation and the Judicial Officer are verbally informed of the decision and sanctions, as well as procedures for appeal following the deliberations.

G. SRC Hearing Decision Letter

An SRC Hearing Decision Letter outlining decisions, any sanctions imposed, and appeal procedures will be sent to the student who was alleged to be in violation of the Code within one week after the hearing with copies provided to the VPSA, the Dean of Students, and the SRC Advisor.

In an incident of alleged violence, the complainant may be informed verbally of the outcome of the hearing by the Dean of Students or designee, and when allowed by Section 8-3 of the Code, the complainant is notified in writing of the sanctions.

H. Student Relations Committee Hearing Record

1. An individual student’s hearing record is confidential and consists of:

   a. A copy of the SRC Hearing Notification Letter sent to the accused student.

   b. All documents, information, and materials admitted in the hearing.

   c. The audio recording of the hearing, which is the sole official verbatim record of the SRC Hearing and is the property of the University of North Dakota.

   d. A copy of the SRC Hearing Decision Letter.

2. The result of a hearing involving a student organization is not subject to FERPA. The records of student members of student organizations are subject to FERPA. The charges, findings, and sanctions for the student organization will be considered public information. Personally identifiable information will be redacted or omitted from any disclosure document.

3. The Office of Record for SRC Hearings is the VPSA. Records are kept according to the General Records Retention Schedule.

4. Students who wish to review their disciplinary or hearing records may contact the Dean of Students Office to schedule an appointment to conduct the review of these records (see Section 8-6-B of the Code).

I. Appeal Procedures
The student in violation and the complainant student have the right to appeal the outcome of an SRC Full Hearing.

1. Appeals of a decision made by the SRC are made to the VPSA.

2. Appeals must be made in writing to the VPSA within one year after delivery posted date of the SRC Hearing Decision Letter. A notice of appeal shall contain the student’s name and contact information, the date of the decision or action, the reason for appeal, and the name of the student’s Personal Advisor (Advocate), if any.

3. An appeal may only be based on new information, contradictory information, and information that indicates the student in violation was not afforded due process.

The specific items for review that may be addressed in a written appeal are the following:


b. Was a procedural error committed? Please explain.

c. Were you given an adequate opportunity to make your presentation? Please explain.

d. Is there any new or contradictory information that was unavailable at the time of the hearing that may have affected the outcome of the hearing and/or the sanctions? Please explain the information and why the information was unavailable at the time of the hearing.

4. Filing of an appeal suspends the sanctions until the appeal is decided. However, interim action may be taken as outlined in Section 3 of the Code.

5. The case will be reviewed by the VPSA or designee. The VPSA or designee may consider police reports, transcripts, the outcome of any civil or criminal proceedings directly related to the appeal, and information presented to the SRC panel. The VPSA or designee will make all decisions regarding the appeal.

The disciplinary process is educational in nature and a determination is made using a preponderance of evidence standard. A later finding of a court of law does not change the outcome of any completed disciplinary process, but it may be considered by the VPSA or designee during an appeal process.

6. After reviewing the request for appeal, the VPSA or designee will determine if there are grounds for appeal as provided in paragraph I-3, and make a determination whether to deny or grant the appeal. If the VPSA or designee denies the appeal, the decision of the SRC is final. If an appeal is granted, the VPSA or designee may:

a. Modify the decision of the SRC panel. The VPSA or designee may overturn all or some of the decisions regarding violations determined by the SRC. If a violation is overturned, the VPSA or designee may modify, reduce, or vacate any sanction. If the accused student is found to be in violation of the Code as the result of the appeal, the VPSA or designee may impose sanctions, including, but not limited to, suspension.
b. Order a new hearing. The VPSA or designee may void all or some of the determinations of the SRC and call for a new SRC Hearing. The VPSA or designee may provide specific instructions to those participating in the SRC Hearing regarding the rights of a student, the hearing process, or information that is or is not relevant to the hearing as it relates to the details of the appeal.

c. Uphold the decision made by the SRC panel.

7. The VPSA or designee shall have 21 business days from the receipt date of the appeal in which to issue a written determination on the appeal. Such written determination shall be forwarded to the accused student; student complainant, if applicable; the Dean of Students; the SRC Chair; and the SRC Advisor.

8. The action of the VPSA or designee shall be final.

9. If the appeal results in a reversal of the decision or lessening of the sanction, the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension which had not been previously refunded.

J. **Compliance with SRC Sanctions**

The student in violation is responsible for completing the sanctions imposed by the SRC within the timeframe stated in the SRC Hearing Decision Letter. If a student does not complete the sanctions or violates the sanctions as prescribed, the student will be prohibited from registering.

If a student has already pre-registered and the sanction has not been completed, the student’s classes will be canceled.

Student organizations that do not complete the sanctions or violate the sanctions as prescribed will no longer be considered in good standing and will not be entitled to the rights or privileges of student organizations.

K. **Reinstatement Following a Suspension**

1. Reinstatement for students following a Suspension involves the following procedure:
   a. The suspended student applies in writing to the VPSA for reinstatement.
   
   b. The VPSA reviews the record and ensures that the conditions (if any) for reinstatement have been satisfied.
   
   c. The VPSA shall either grant or deny the application. The student status of the complainant student may be a factor among others in determining the reinstatement of the suspended student.
   
   d. If the VPSA reinstates the suspended student, the student’s must still complete the readmission process through the UND Office of the Registrar.

2. Reinstatement for Student Organizations following a Suspension involves the following procedure:
   a. The suspended student organization applies to the Student Policy Committee (SPC) for reinstatement.
b. The SPC Chair, who may be assisted by other Committee members, reviews the record and ensures the conditions for reinstatement have been satisfied. The Chair or committee may consult with the SRC Chair or SRC Advisor about the completion of the conditions.

c. The SPC shall either grant the reinstatement or deny the application.

REVISION RECORD:
August 17, 2015 – Published