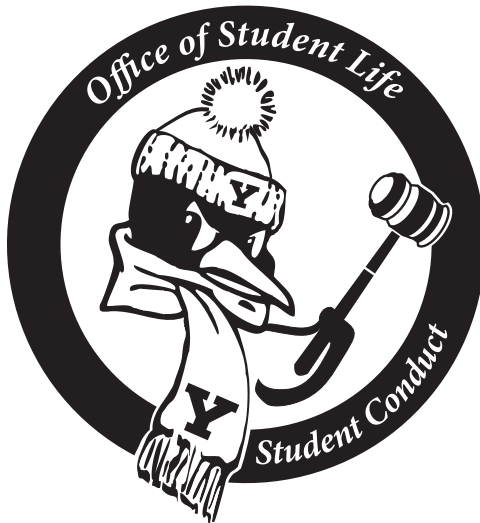



*University*  
**STUDENT CONDUCT PROCESS**  
*Information for Advisors*





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# *University* **STUDENT CONDUCT PROCESS** *Information for Advisors*

## *Introduction*

The student conduct process at Youngstown State University adheres to procedural due process and is intended to be part of the educational process at the University. The student conduct process provides for the impartial and expedient resolution of misconduct in the University community and encourages students to live responsibly and be accountable for their actions. Furthermore, the student conduct process is based on the University's commitment to developing integrity, respect, and responsibility among all members of the University community.

The Office of Student Life, a unit of the Division of Student Affairs, has the responsibility for administering the University student conduct process when a student has been alleged to have violated regulations contained in *The Code of Student Rights, Responsibilities, and Conduct (The Code)*. *The Code* is contained in the *Penguin Connection Student Handbook* and is available online and through the Office of Student Life. The following information is designed to assist individuals who may be serving as an advisor to a student charged with an alleged violation of University conduct regulations.



<h3><i>The Code</i></h3>
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is available online and through the Office of Student Life.

## *Assessing Charges*

The Office of Student Life reviews reports of student misconduct and police reports to determine whether or not there is sufficient information to warrant charges against a student. Investigations may be conducted to gain further information. If there is sufficient information to proceed with the student conduct process, the appropriate student conduct body will determine the specific charges and a letter will be sent to the student stating the specific charge(s) pending against them. Decisions regarding the pursuit of charges are determined by the appropriate staff. Individuals filing a complaint and/or witnesses cannot force charges to be filed. In addition, the Office of Student Life may continue to pursue charges against a student even if the complainant and/or witnesses refuse to participate in the process. This is particularly true in cases involving physical or domestic abuse as well as where sufficient information exists to support the charges without the involvement of the complainant and/or witnesses.

## *The Charge Letter*

The appropriate student conduct body at the University provides each student with written notification of the charges filed against the student. The letter will include the specific conduct regulations that the student is alleged to have violated. The respondent (accused student) will be instructed to either schedule a conduct conference or informed that a student conduct hearing will be scheduled before a hearing panel of the Student Conduct Board. Students are expected to comply with all requests from staff involved with the conduct process including requirements to attend a conference or hearing. Students failing to meet with staff may be charged with failure to comply.

## *University Student Conduct Process*

The University student conduct process is not comparable to a legal court proceeding, but rather is a process committed to maintaining a positive learning environment by upholding the behavioral expectations of the University. Although the University student conduct process adheres to procedural due process, formal rules of evidence and other procedural requirements in criminal or civil cases do not apply to the University process.

Students charged with violating University conduct regulations (respondents) shall be provided a conduct conference or a hearing before the Student Conduct Board. Specific information regarding the procedures followed at the University is outlined in Article VII of *The Code*. Staff in the Office of Student Life assist both complainants and respondents by offering information regarding the University student conduct process.

The focus of the hearing is to determine if a violation of University conduct regulations has been committed. During the conference or hearing, the respondent will be presented with the specific charges and have an opportunity to accept or deny responsibility for the alleged violation. In addition, the student will be presented with all information on which the charges have been based and have an opportunity to respond to the charges.

After all information has been presented and reviewed, the student conduct body will make a determination whether or not the student has violated University conduct regulations. In the University process, the student is deemed not responsible until proven responsible. The information provided by the complainant is utilized in establishing the responsibility of the respondent. The standard of proof utilized in all student conduct proceedings is a preponderance of evidence. In other words, the information on which the charges are based must be more than 50% convincing that a conduct regulation was violated.

## *The Role of the Advisor*

Students involved in the University student conduct process have the right to be assisted by any advisor they choose including an attorney. However, the student is responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or participate directly in any hearing before a student conduct body. Any questions regarding the University student conduct process may be directed to the Office of Student Life at 330-941-7285.

## *The Sanctioning Process*

You should keep in mind the University student conduct process is part of the educational process at the University. The sanctioning process is not intended to be merely punitive, but rather the intent is to redirect the student's behavior in an acceptable manner within the University community. In order to redirect the student's behavior accordingly, the student conduct body utilizes both status sanctions and developmental sanctions. Status sanctions include warning, probation, probation with restrictions, suspension, and or expulsion. Developmental sanctions include such things as educational assignments, counseling assessments, and community service.

In determining appropriate sanctions, the student conduct body assesses a number of variables including:

- The nature of the violation (what occurred)
- Prior violations/previous conduct history (what has the student done before)
- Mitigating circumstances surrounding the violation (unusual circumstances)
- The student's motivation for the behavior (why the student chose to engage in the behavior)
- Sanctions involved in cases involving similar violations (precedent)
- The developmental and educational impact (how is this going to affect the student)

## *Appeals*

The student in accordance with the appeal process outlined in *The Code* may appeal decisions made during a hearing. Appeals must follow the instructions outlined on the Student Conduct Appeals form and must be received within five University working days following the decision.

## *Concurrent Criminal or Civil Cases*

The University student conduct process will proceed in as timely a manner as possible, even in instances where a student is also involved in a criminal or civil case related to the incident for which the student is facing University action.

Students involved with both University and criminal/civil action are expected to participate in the University student conduct process. Although students may choose to remain silent and such silence shall not be used against them, a violation of University conduct regulations may nevertheless be determined based upon the other information presented. Furthermore, a decision by the student to withhold participation in the University student conduct process may not later be used to appeal the decision of the student conduct body.

You should be aware that the University student conduct process does not constitute “double jeopardy” in situations which the student is facing concurrent criminal proceedings. The constitutional right regarding double jeopardy is solely a criminal law concept and is not applicable to the University student conduct process.

## *Student Conduct Records*

The Office of Student Life maintains all student conduct records and conducts all student conduct proceedings in accordance with the Family Educational Rights and Privacy Act (FERPA). In accordance with FERPA, student conduct records are considered confidential and generally may not be released to anyone other than the student without the student's authorization. Staff involved in the University student conduct process will always communicate directly with the student and will not communicate with others unless permitted by law. Students who wish to have information shared with an attorney or any other individual may sign a release in the Office of Student Life.

A case file is maintained in the name of the respondent if the student is found responsible. The file will be destroyed should the respondent be found not responsible for the charges. If a student is found to have violated University conduct regulations, a conduct file will be maintained for a period of seven years from the date the case was resolved. Upon graduating, a student may petition the Office of Student Life to have their conduct record voided. Conduct records in which a student was issued a residence hall expulsion, University suspension, and University expulsion shall be maintained permanently.

## *Distinctions Between Criminal Courts and the University Student Conduct Process*

<i>Criminal Courts</i>	<i>University Student Conduct Process</i>
Guilt must be established “beyond a reasonable doubt.”	Responsibility is determined by whether or not a “preponderance of the evidence” exists in support of the allegations.
Strict rules of evidence apply.	The student conduct body considers all reasonable and relevant information.
Attorneys represent their clients.	Students are always responsible for representing themselves, even when criminal and/or civil charges are also pending.
A determination is made as to whether or not the law was violated.	A determination is made as to whether or not University conduct regulations as outlined in <i>The Code</i> were violated.
Penalties are designed to punish.	Sanctions are utilized to educate students and redirect their behavior in a more acceptable manner.



In completion of this book, material was adapted from similar publications at Illinois State University and Texas A&M University.