

University
STUDENT CONDUCT PROCESS
*Procedures for the Complainant
& Witnesses*

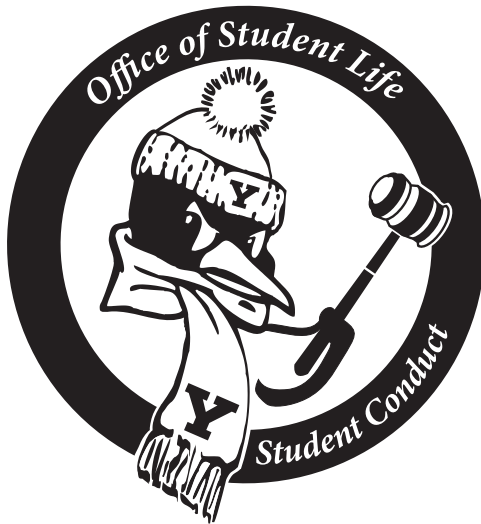





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University **STUDENT CONDUCT PROCESS** *Procedures for the Complainant & Witnesses*

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. 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 complainant and witnesses have a specific role within the student conduct process at Youngstown State University. The following information is designed to assist members of the University community in understanding the role of the complainant and witnesses. The complainant is an individual who has had an alleged violation of University conduct regulations committed against them or an individual who brings forward information that indicates a student may have violated a University conduct regulation; complainants may be witnesses as well. A witness is any individual who has factual information regarding an incident which is an alleged violation of University conduct regulations.

The Code

is available online and through the Office of Student Life.

Filing a Complaint

University conduct regulations pertaining to all students are provided in *The Code of Student Rights, Responsibilities, and Conduct*. Any person may report alleged violations of conduct regulations by forwarding a completed Report of Student Misconduct. In addition, individuals may report alleged violations to the University Police or Housing & Residence Life. All reports alleging a violation of University conduct regulations will be forwarded to the Office of Student Life. Questions regarding reporting an alleged violation of University conduct regulations should be directed to the Office of Student Life at 330-941-7285.

Assessing Charges

The Office of Student Life reviews all received 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 student conduct body. 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 charge letter is a letter sent to the student indicating the specific charges that the student is accused of violating. The respondent (accused student) will be instructed to either schedule a student conduct conference or informed that a student conduct hearing will be scheduled.

The Hearing Process for the Complainant

Students charged with violating University conduct regulations (respondents) shall be provided a conduct conference or a hearing before the Student Conduct Board. The person filing the complaint will be notified if she/he will be requested to appear in person. The Office of Student Life assists complainants and respondents by offering general information regarding the University student conduct process.

As a complainant, you will be expected to cooperate throughout the entire process. An accused student is scheduled for a hearing before the Student Conduct Board, or is scheduled for a conduct conference (administrative hearing). You should review *The Code* for specific guidelines regarding conduct conferences and conduct hearings.

As the complainant (if you are requested to appear at a hearing), you should:

- Review Article VII. Student Conduct Procedures of *The Code*;
- Prepare the case by assembling all relevant facts and witnesses;
- Submit a list of witnesses to the Office of Student Life before the hearing;
- Remind prospective witnesses to appear at the proper time and location;
- Prepare relevant questions to ask at the hearing, including questions to be asked to the respondent.

You should be aware that within the University student conduct process, 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 Hearing Process

as a Witness

Witnesses to alleged violations of University conduct regulations may be contacted to provide additional information or to appear at a hearing. Witnesses may be contacted by the complainant, respondent, or the Office of Student Life to provide relevant information concerning the incident. Witnesses may participate in the student conduct process in the following ways: by providing a written statement of fact prior to the hearing or by answering questions posed during the investigation; appearing in person at the hearing and answering questions posed to you during the hearing, or by providing a notarized statement of fact that may be introduced during the hearing process.

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 respondent (accused student) and/or complainant 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.

Confidentiality

The Office of Student Life maintains all student conduct records in accordance with the Family Educational Rights and Privacy Act (FERPA). To the extent permitted by law, the Office of Student Life will not provide information regarding the identities of individuals involved in the University student conduct process. This confidentiality extends to all individuals involved in the process, including members of the Student Conduct Board. You should be aware that while the Office of Student Life will not comment on cases, we are not responsible for comments made by other parties involved in the matter or those made by uninvolved parties. All participants are expected to refrain from public disclosure of reports filed with the Office

of Student Life. This information and the entire case file may be seen by the respondent (student charged).

Your Rights as the Complainant in the Student Conduct Process

The complainant of a case will be afforded the following rights:

- Charges being processed in a timely manner;
- Written notification of date, time, and location of hearing and information about hearing procedures;
- Questioning a Student Conduct Board member's ability to participate fairly in a hearing, and rejecting any board member when just cause has been demonstrated;
- Being accompanied by an advisor (see The Code, Article VII, Section D, Paragraph 2.d);
- Having witnesses appear on his/her behalf during the hearing. If a witness cannot appear, a signed statement from the witness can be used as long as it is notarized by an appropriate official;
- Being entitled to know the nature and source of evidence, and to be informed of the final outcome of the case to the extent permitted by law;
- The right to be treated with respect and dignity by all University officials;
- Counseling, available medical resources, and academic assistance when requested;
- Changes in campus residence and/or classes, when reasonable and requested;
- The right to request that charges of misconduct be pursued;
- Due process within any University student conduct proceeding; and
- The right to provide information at the hearing in a seat not directly facing the accused, if the complainant requests.

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



Office of Student Life
Student Conduct
Youngstown State University

