

University
STUDENT CONDUCT PROCESS
Procedures for the Respondent

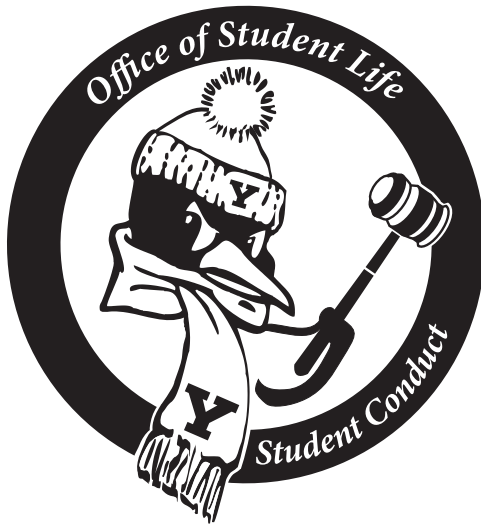





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University **STUDENT CONDUCT PROCESS** *Procedures for the Respondent*

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 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 on-line and through the Office of Student Life. The following information is designed to assist students who have been charged with an alleged violation of University conduct regulations.



The Code

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 staff 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 conduct conference or informed that a conduct hearing will be scheduled.

The Hearing Process for the Respondent

Students charged with violating University conduct regulations (respondents) shall be provided a conference or a hearing depending on the violation. The respondent should consult *The Code* for specific information regarding a conference and a hearing. The Office of Student Life assists both complainants and respondents by offering general 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. The University student conduct process is not comparable to a legal court proceeding and thus, formal rules of evidence do not apply.

As the respondent, you should:

- review Article VII. Student Conduct Procedures of *The Code*.
- prepare for the case by reviewing all relevant facts contained in the reports;
- submit a list of witnesses to the Office of Student Life before the hearing;
- secure an advisor of your choosing if desired;
- 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 complainant and witnesses.

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 student conduct process you are deemed not responsible until proven responsible. The information provided during the hearing is utilized in establishing 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 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.

Student Records

A case file is made in the name of the respondent. Should the respondent be found not responsible for the charges, the file will be destroyed. 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.

Confidentiality

The Office of Student Life maintains all student conduct records and conducts all proceedings 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.

Your Rights as the Respondent in the Student Conduct Process

The respondent of a student conduct case will be afforded the following rights:

- Written notice of charge(s);
- Specific regulations alleged to be violated;

- General information regarding the nature of charges and adequate time to prepare for the hearing;
- Charges being processed in a timely manner;
- Written notification of date, time, and location of hearing and information about hearing procedures;
- Questioning a hearing panel 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 conference or 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 information, and to be informed of the final outcome of the case in writing;
- Understanding that all conferences/hearings shall be closed to the extent allowed by law to ensure the student's confidentiality; and
- Having the opportunity to appeal as outlined in *The Code*.

Acknowledgements

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



Office of Student Life
Student Conduct
Youngstown State University

