



## Office of Student Conduct

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### STUDENT CODE OF CONDUCT STUDENT RIGHTS FORM

The preponderance of evidence standard will be used in all student conduct cases. The standard takes into account the weight of the evidence presented by all parties. Having heard, viewed and/or read evidence by all parties, the University Judicial Officer or the appropriate hearing panel decides whether it is “more likely than not” that the incident involving misconduct or inappropriate behavior did or did not occur. A student and/or organization who has been charged with a violation and thus alleged to be involved in misconduct or inappropriate behavior will be granted the following in order to assure fundamental fairness in the university judicial process:

- A. **Notice of Charges** – to be informed in written or electronic notification of the specific violation and inappropriate behavior in which the student or organization is suspected of involvement.
- B. **Procedures** - Will be provided a copy of the student judicial process when charged.
- C. **Hearing** – To have an opportunity to be heard in person before a decision is made.
- D. **Remain Silent** – To remain silent and have no interference of guilt drawn from such silence.
- E. **Evidence** – The right to review available evidence in the case. To know the nature of the evidence and to be able to provide questions to be asked of witnesses.
- F. **Witness** – To be able to offer a defense by having material and/or character witnesses speak on his/her behalf. The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- G. **Access to Advisor** – The respondent and alleged victim (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be an attorney) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. The advisor may advise his or her advisee in any manner, including providing questions, suggestions, and guidance on responses to any questions posed to the advisee, but shall not participate directly during the investigation or hearing process. The University will not prohibit family members of a party from attending the hearing if the party requests such attendance, but may limit each participant to having two (2) family members present.
- H. **Written Decision** – To receive a written notice of the decision and sanctions, including rationale for decision.
- I. **Appeal** – To appeal a decision resulting from a formal hearing.
- J. **Attend Classes** - Students also have the right to attend classes and required University functions until a hearing is held and decision is rendered **except as stipulated** below:

**\*\*Exceptions to this would be made when the student’s presence would create a clear and present danger to others, self, or material interference with the normal operation an processes or the requirements of appropriate discipline at the University. In such cases, the Vice President for Student Affairs and Success or his/her designee may impose temporary protective measures, including suspension, pending a hearing, which may be reasonably necessary. It is understood that such temporary protective measure, if applicable, will be without avoidable prejudice to the student.**