Section: 514 Due Process Requirements for Student Conduct That May Result in Suspension or Expulsion

1. Each campus will establish its own student disciplinary procedures.

2. Minimum Requirements: Each campus’s student disciplinary procedures involving suspension or expulsion will include, at a minimum, the following elements:

   a. Adequate Notice: Any student accused of violating campus policies will receive adequate notice of the alleged violation.

      i. In order for the notice to be adequate, the campus must identify the particular charge brought against the student.

      ii. The notice must be provided to the student at least three days prior to any hearing or deadline for a response from the student.

      iii. The notice requirement is waived if a student consents to having a shorter notice period.

   b. Hearing: Any student accused of violating campus policies will be entitled to a hearing with an opportunity to present his or her own defense. A student who fails to appear for a scheduled hearing will be deemed to have waived his or her right to a hearing.

3. This policy is not intended to preclude emergency removals from campus when there is a reasonable basis for believing a student poses a substantial risk of immediate physical harm to students, faculty members, or others.

4. Campuses may work with their respective student governments to develop procedural elements beyond the minimum requirements noted above, as the campuses deem appropriate and logistically feasible.

1. Applicability. This policy applies to student conduct proceedings that could result in the suspension or expulsion of a student or the suspension or removal of institutional recognition for a student organization. Each institution’s conduct procedures must include the minimum requirements set forth in this policy. For student conduct proceedings based on allegations of Title IX violations, all involved students will have equal rights under this policy. For student conduct proceedings based on allegations of academic misconduct, only sections 4 and 5 apply.
2. Definitions. For this policy:
   a. “Advisor” means either an attorney or non-attorney advocate who advises a student or student organization during the conduct proceedings.
   b. “Appeals authority” means the individual or individuals appointed by an institution to consider appeals.
   c. “Fully participate” includes the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide the student or student organization with support, guidance, and advice.
   d. “Hearing officer” means the neutral individual designated by a campus to conduct the disciplinary proceedings, whether alone or as a member of a panel.

3. Right to an advisor. During student conduct proceedings, a student or student organization has the right to be represented, at the student or student organization’s expense, by an advisor of its choice.

4. Notice. The hearing officer shall provide written notice to any student or student organization involved in a disciplinary process regarding an alleged violation of campus policies.
   a. The notice must identify the specific allegation against the student or student organization.
   b. The notice must be provided to the parties at least three business days prior to any hearing or deadline for a response from the student.
   c. The notice must include information about the right to an advisor at any proceeding.
   d. The notice requirement is waived if the recipient consents to a shorter notice period or for the initiation of interim measures or emergency actions.

5. Hearing. A student or student organization accused of violating campus policies shall be entitled to a hearing.
   a. The student or student organization shall be provided opportunity to present information responsive to the alleged violations.
   b. The student or student organization and its advisor may fully participate during the hearing.
   c. The hearing officer shall include relevant information and exclude information that is neither relevant nor probative.
   d. The hearing officer shall render a decision within the period designated by the campus.
   e. The hearing officer shall promptly notify the parties of the hearing outcome and applicable sanction in writing.

6. Appeal. The student or student organization shall be afforded an opportunity to appeal the hearing outcome to an appeals authority designated by the campus.
   a. The appeal must be received within the period designated by the campus. Notwithstanding any previous appeals, campuses shall provide a method of reviewing a decision for at least one year following the original decision based on a demonstrated change in circumstances relevant to the conduct proceedings.
   b. The student or student organization’s right to be represented by an advisor also applies to the appeal.
c. The appellant shall clearly state the reasons for the appeal and shall provide any relevant information to support the appeal. The issues that may be raised on appeal include new information, contradictory information, and information indicating that the student or student organization was not afforded due process.

d. The appeal authority must be an institutional administrator or body that did not make the initial decision.

e. The appeal authority may consider other information directly related to the appeal.

f. The appeal authority shall rule on the appeal within the period designated by the campus.

g. The appeal authority may grant the appeal, deny the appeal, order a new hearing, or reduce or modify the suspension or expulsion.

7. Reimbursement. If the appeal results in the reversal of the initial decision or a lessening of the suspension, the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension or expulsion that had not been previously refunded.

8. Interim measures and emergency actions. This policy does not preclude the initiation of interim measures and emergency actions by an institution in response to a reasonable belief that there exists a substantial risk of imminent harm to the campus community.

9. Institutional involvement. Institutions may develop procedural elements beyond the minimum requirements set forth in this policy.

HISTORY: New Policy, SBHE Minutes, June 20, 2013
Revised, SBHE Minutes, September 30, 2015