

# Standards of Student Conduct

Division of Student Development  
University of Richmond

## *PREAMBLE*

The mission of the University of Richmond is to sustain a collaborative learning and research community that supports the personal development of its members and the creation of new knowledge. A Richmond education prepares students to live lives of purpose, thoughtful inquiry, and responsible leadership in a global and pluralistic society.

To that end, the University has established the following Standards of Student Conduct in order to foster an environment that is most conducive to meeting the University's mission. The Standards of Student Conduct are in place to promote a safe, secure, and inclusive campus community and an appropriate environment for living and learning.

Along with the Student Conduct Board, these Standards describe conduct that is prohibited at the University and sets forth procedures by which student conduct matters will be handled at the University. Student conduct matters shall be handled in a prompt, fair, and impartial manner. The Standards shall govern the conduct of students and their guests on the campus of the University of Richmond, at University-sponsored activities and functions and as otherwise provided herein.

All students of the University are expected to conduct themselves, both within the University and elsewhere, in such a manner as to be a credit to them and to the University of Richmond. As responsible citizens and members of the University community, students are expected to comply with local, state, and federal laws, and with all published University policies and regulations.

In order to fulfill its functions as an educational institution and to protect all members of the University community, the University of Richmond has the right to maintain order within the University and to exclude persons who disrupt the educational process.

Matriculation and/or continued enrollment at the University of Richmond is a privilege, not a right. Any revocation of such a privilege would be an intention to protect or support the standards of the University community. All students are expected to familiarize themselves with the details of these standards, issued annually or more frequently by the University or by individual Colleges or Schools of the University in handbooks or other official publications and announcements.

The Vice President for Student Development is the person designated by the University President to be responsible for the administration of the Standards of Student Conduct.

The Standards of Student Conduct, University policies, and related conduct procedures are not contracts and do not confer contractual rights upon any individual. The University has the right to amend or modify the Standards of Student Conduct, University policies, and related conduct procedures from time to time, without prior notice. Additionally, the Standards of Student Conduct, University policies, and related conduct procedures are not intended to replicate or supersede state, federal, criminal, or civil laws or procedures. University policies differ from the criminal and civil justice system and a finding of responsibility for a violation of the Standards of Student Conduct or a University policy shall not be construed as a finding that any criminal or civil statute has been violated.

## **ARTICLE I: DEFINITIONS**

- A. *Administrator / Staff Member.* The terms “staff member” and “administrator” mean any person employed by the University to conduct administrative, professional, or trade assignments.
- B. *Appellate Administrator.* The term “Appellate Administrator” means any person authorized by the Vice President for Student Development to consider an appeal from a Student Conduct Board or from the sanctions imposed by the Conduct Officer.
- C. *Campus.* The term “campus” includes any building or property owned or controlled by the University within the same reasonably contiguous geographic area of the University and used by the University in direct support of, or in a manner related to, its educational purposes, including residence halls and apartments and any building or property within or reasonably contiguous to the campus that is owned by the University, is frequently used by students, and supports University purposes.
- D. *Chair.* The term “Chair” means the chairperson of the applicable Student Conduct Board.
- E. *College.* The term “College” means either “Richmond College” or “Westhampton College”.
- F. *Complainant.* The term “Complainant” means the student or other individual who is alleged to be the victim or subject of conduct that forms the basis for a disciplinary charge.
- G. *Conduct Officer.* The term “Conduct Officer” means any person authorized on an on-going or a case-by-case basis by the Vice President for Student Development to assign charges, conduct preliminary hearings, determine whether a student or organization has violated the Standards of Student Conduct, and to impose

sanctions upon any student(s) who accepts responsibility for a violation of the Standards of Student Conduct.

- H. *Copy*. The term “copy” includes all methods of duplication to include, but not limited to, use of a camera, recording device, mobile phone and/or mobile phone application(s), scanner and copy machine,
- I. *Faculty Member*. The term “faculty member” means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of the faculty.
- J. *Hearing Officer*. The term “Hearing Officer” means any person authorized on an on-going or a case-by-case basis by the Vice President for Student Development to conduct the pre-hearing and hearing process on behalf of the University Hearing Board. The Hearing Officer is not a member of the University Hearing Board and does not vote on any decision of the University Hearing Board.
- K. *May*. The term “may” is used in the permissive sense.
- L. *Member of the University Community*. The term “member of the University community” includes any person who is a student, faculty member, staff member, administrator, University official, or any other person employed by the University or acting as a University volunteer. The Vice President for Student Development or their designee shall determine a person’s status in a particular situation.
- M. *Off-Campus Buildings or Property*. The term “off-campus buildings or property” means any building or property owned or controlled by a student organization officially recognized by the University and any building or property owned or controlled by the University, used in direct support of, or in relation to, the University’s educational purposes, and frequently used by students.
- N. *Off-Campus Education Programs and Activities*. The term “off-campus programs and activities” means educational, extra-curricular, or athletic activities involving organizations or programs or activities recognized or sponsored by the University, such as University-sponsored trips, athletic team travel, events for organizations that occur off campus (e.g., a debate team trip to another school or to a weekend competition).
- O. *Organization*. The term “organization” or “organizations” means any number of persons who have complied with the formal requirements for University recognition and registration.
- P. *Presiding Officer*. The term “Presiding Officer” means the Chair of the Student Conduct Council or the Hearing Officer of the University Hearing Board.
- Q. *Public Property*. The term “public property” means streets, sidewalks, or parking facilities within the campus or immediately adjacent to and accessible from campus.
- R. *Respondent*. The term “Respondent” means any student charged with violating the Standards of Student Conduct or a University policy.

- S. *School*. The term “School” means the School of Arts & Sciences, the Robins School of Business, the Jepson School of Leadership Studies, the University Of Richmond School Of Law, or the School of Professional and Continuing Studies.
- T. *Shall*. The term “shall” is used in the mandatory sense.
- U. *Student*. The term “student” includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw during an investigation or with a pending conduct charge or proceeding, or who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students” for purposes of these Standards of Student Conduct.
- V. *Student Conduct Administrator*. The term “Student Conduct Administrator” means any person authorized by the Vice President for Student Development to determine the appropriate Conduct Officer, Presiding Officer, or Conduct Board authorized to hear each matter.
- W. *Student Conduct Board*. The term “Student Conduct Board” or “Board” means a group authorized by the Vice President for Student Development to determine whether a student or organization has violated the Standards of Student Conduct and to determine sanctions that may be imposed when a violation has been committed. This term includes the Student Conduct Councils and the University Hearing Board.
- X. *Student Conduct Councils*. The term “University of Richmond Student Conduct Councils” or “Student Conduct Councils” means a specific Student Conduct Board comprised of students specially selected and trained by the University.
- Y. *University*. The term “University” means “University of Richmond”.
- Z. *University Hearing Board or UHB*. The term “University Hearing Board” or “UHB” means a specific Student Conduct Board comprised of University staff members specially selected and trained by the University.
- AA. *University Official*. The term “University official” includes any individual employed by the University, performing assigned administrative or professional duties. A University official may include student staff such as Resident Advisors and Emergency Medical Technicians.
- BB. *University Policy*. The term “University policy” means any policy, rule, or regulation of the University.
- CC. *University Premises*. For purposes of these Standards of Student Conduct, the term “University premises” includes: (1) any building or property that is part of the University’s campus; (2) any building or property that is not located on or adjacent or contiguous to the campus, but is owned or controlled by a University recognized organization or that is used in direct support of or in relation to the University’s educational purposes and is frequently used by students; (3) public property within the campus or immediately adjacent to and accessible from

campus (such as public roads, sidewalks, parking lots); or (4) other areas that are within the patrol jurisdiction of the University Police Department.

## **ARTICLE II: STANDARDS OF STUDENT CONDUCT AUTHORITY**

- A. The Vice President for Student Development or their designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of the Student Conduct Board Hearings that are not inconsistent with the provisions of the Standards of Student Conduct.
- B. Subject to the appeal rights set forth in these Standards, decisions made by a Student Conduct Board and/or Conduct Officer shall be final.

## **ARTICLE III: JURISDICTION AND PROHIBITED CONDUCT**

### *A. Jurisdiction of the Standards of Student Conduct*

The Standards of Student Conduct shall apply to conduct that occurs on the campus of the University, on or in off-campus buildings or property of the University, and at University sponsored activities, including off-campus education programs and activities, or on public property, as defined in Article I.

The Standards of Student Conduct also apply to University students studying abroad through a University approved study abroad program. The Standards of Student Conduct apply to conduct by a University student occurring at other locations or in connection with other activities if the Vice President for Student Development or their designee determines that such conduct may adversely affect any member of the University community, the University itself, or its educational programs.

Each student shall be responsible for their conduct from their first day on campus through the actual awarding of a degree (even though the conduct may occur before classes begin or after classes end) as well as during the academic year and during periods between terms of actual enrollment. The Standards of Student Conduct shall apply to a student's conduct even if the student withdraws from the University while a disciplinary matter is pending.

### *B. Prohibited Conduct.* The following conduct is prohibited by the University.

#### 1. Violence.

Any act of violence, force, coercion, threat, or intimidation that includes, but is not limited to:

- a. Physical abuse of or assault upon any person;
- b. Conduct that threatens, intimidates, or endangers the health or safety of any person;
- c. Physical detainment of any person against their will; or

- d. Possession, storage, use of, or attempt or threat to use any kind of ammunition, explosives, firearms, or weapon.
2. Property.
- a. Theft or possession of University property or the property of others.
  - b. Vandalism or damage to, defacement, or destruction of University property or the property of others.
  - c. Alteration, fabrication, misuse, or destruction of University documents including records, identification cards, or parking stickers/permits.
3. Disruption.
- a. Obstruction, disruption, or attempts at obstruction of disruption of teaching, research, administration, disciplinary procedures, or other University or University-authorized activities, functions, events, or operations.
  - b. Blocking the entrance or exit of any University facility or building, or any corridor or room therein.
  - c. Blocking or impeding normal pedestrian or vehicular traffic on or adjacent to University property.
  - d. Disorderly conduct.
  - e. Disturbing the residence hall/community.
4. Trespass.  
Unauthorized entry into, presence in, seizure, or occupation of any University facility or area that is locked, closed to student activities, or otherwise restricted as to its use where one's presence is unauthorized.
5. Illegal Activity.  
Conduct that the University determines may violate local, state, or federal laws, including, but not limited to:
- a. Possession and/or use of illegal drugs, narcotics, pharmaceuticals, and/or drug paraphernalia;
  - b. Distribution or sale of illegal drugs, narcotics, pharmaceuticals, and/or drug paraphernalia;
  - c. Violation of Alcohol and Beverage Control (ABC) Laws;
  - d. Driving under the influence and/or while intoxicated;
  - e. Possession and/or use of false identification; or
  - f. Conviction of any felony or conviction of a misdemeanor involving, fraud, theft, lying or moral turpitude.
    - i. A student may, at the discretion of the Conduct Officer or Student Conduct Board Chair, be found responsible of Prohibited Conduct III (B)(5)(f) solely upon the introduction into evidence at a Student Conduct Board hearing of a certified copy of an order of conviction or other document satisfactorily evidencing conviction of a felony or of a misdemeanor.

6. Other Regulations and Policies.
  - a. Acts of harassment and/or discrimination, or violation of the University's Harassment & Discrimination policy.
  - b. Violation of the University's Sexual Misconduct Policy.
    - i. Non-Consensual Sexual Contact
    - ii. Non-Consensual Sexual Intercourse
    - iii. Sexual Exploitation
    - iv. Stalking
    - v. Sexual Harassment
    - vi. Dating/Relationship Violence
    - vii. Domestic Violence
  - c. Violation of the University's Hazing Policy.
  - d. Violation of the University's Retaliation Policy.
  - e. Violation of rules and regulations including those pertaining to the Alcohol policy.
    - i. Consumption of alcohol under the legal drinking age.
    - ii. Possession of alcohol under the legal drinking age.
    - iii. Possession of an open container of alcohol in a public space.
    - iv. Hosting an illegal/unregistered event with alcohol.
    - v. Hosting a registered event with alcohol that violated the University's alcohol regulations.
    - vi. Having an underage guest who possessed and/or consumed alcohol while in attendance at your event.
    - vii. Consumption of an alcoholic beverage in public.
    - viii. Public intoxication.
    - ix. Violation of the alcohol policy at The Cellar.
  - f. Violation of University policies or College rules or regulations including, but not limited to, those governing residence halls.
  - g. Failure to comply with directions of a University official acting in the authorized performance of duty.
  - h. Failure to present proper identification upon request by a University official.
  - i. Violation of the University's Information Services policies.
  - j. Violation of the University's Gambling Policy.
  - k. Providing information about a Member of the University Community to organizations or individuals that are not affiliated with the University without the member's permission.
  - l. Violation of a "No Contact" Order issued by a University official.
7. Inciting.

Inciting others to commit acts of the kinds herein prohibited.
8. Lying or Misleading University Officials.

Lying or intentionally misleading University officials performing their assigned duties. Lying includes knowing misrepresentations or material omissions.

C. *Violation of Law and University Discipline.*

1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Standards of Student Conduct or University policy (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest or prosecution. At the discretion of the Vice President for Student Development, and consistent with other University policies, proceedings under the Standards of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

Determinations made or sanctions imposed under the Standards of Student Conduct shall not be subject to change because criminal or civil charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal or civil law defendant.

2. When a student is charged by federal, state, or local authorities with a violation of the law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the Standards of Student Conduct, the University may advise off-campus authorities of the existence of the Standards of Student Conduct and of how such matters are typically handled within the University community. Subject to applicable laws, the University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal laws on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions).

## **ARTICLE IV: REPORTING, CHARGES, PRELIMINARY HEARING, AND INTERIM SUSPENSION**

A. *Reporting.*

Any member of the University community with knowledge of an act by a student that may constitute a violation of the Standards of Student Conduct, including a violation of University policy, may file a complaint in writing to the appropriate dean of the College or School. Complaints should be submitted as soon as possible following the event that precipitated the complaint, preferably within seven (7) days. However, no complaint will be dismissed solely on the basis of the time it was filed.



B. *Preliminary Investigation and Charge.*

1. Upon receipt of a complaint or a referral from one of the University's Title IX Coordinators, the Conduct Officer shall determine whether there has been any preliminary investigation or inquiry into the facts underlying the complaint (for example, by a Title IX Coordinator or the University of Richmond Police Department).
  - a. If there has been such a preliminary inquiry or investigation, the Conduct Officer shall review the findings of that inquiry or investigation to determine whether a formal charge under the Standards of Student Conduct is warranted. The Conduct Officer, at their sole discretion, may conduct a follow-up or additional investigation in order to gain sufficient information to determine whether a charge is warranted.
  - b. If there has been no prior inquiry or investigation, the Conduct Officer shall conduct an investigation to determine whether a formal charge under the Standards of Student Conduct is warranted.
  - c. In the process of conducting an investigation or assessing whether a formal charge is warranted, the Conduct Officer or the Vice President for Student Development, at their sole discretion, may seek the advice and counsel of individuals not involved in the anticipated hearing process. These individuals include but are not limited to University Police, University Counsel, members of the University Hearing Board pool who would not be called for a hearing connected with the complaint, and other administrators. The final decision on whether a formal charge under the Standards of Student Conduct is warranted rests with the Conduct Officer.
  - d. In the case of a possible violation of the University's Sexual Misconduct Policy, the Conduct Officer shall also take such actions as may be required by the Sexual Misconduct Policy (*see, How Does the Student Conduct Process Work: <http://studentdevelopment.richmond.edu/student-concerns/sexual-misconduct/responding.html>*)
2. If the Conduct Officer determines that a formal charge or charges under the Standards of Student Conduct is/are warranted, the student will receive written notification of the charge(s) and will be requested to attend a preliminary hearing.
3. The University's disciplinary process and proceedings commence upon the earlier of: (1) the commencement of an investigation by the Conduct Officer or (2) the issuance of written notification of the charge(s).

C. *Preliminary Hearing.*

1. Any student who is charged with violating of the Standards of Student Conduct, referred to as the Respondent, shall be subject to sanctions if found responsible for such a violation(s). The Conduct Officer shall notify the Respondent of the charge(s) in writing and request a preliminary hearing

with the Respondent. During the preliminary hearing, the Conduct Officer shall:

- a. Provide the Respondent with a copy of Article V or Article VI of the Standards of Student Conduct as appropriate;
  - b. Review the complaint filed against the Respondent;
  - c. Explain the charge and any associated policy or policies; and
  - d. Review the options available for resolution of the charge, including possible sanction(s).
2. The Respondent is asked if they accept responsibility for the alleged violation(s) charged.
- a. The Respondent may accept responsibility for the alleged violation(s) charged.
    - i. If the Respondent accepts responsibility for the violation(s) and accepts the sanction(s) assigned by the Conduct Officer, the Respondent waives her/his right to a hearing and an appeal.
    - ii. If the Respondent accepts responsibility, but does not accept the sanction(s) assigned by the Conduct Officer, the matter will be referred to the appropriate Student Conduct Board for a hearing to determine appropriate sanctions.
      - a. Except as specified in subsections (b) and (c), below, the matter will be referred to the University of Richmond Student Conduct Councils.
      - b. The matter will be referred to the University Hearing Board if the charge(s) includes an alleged violation of the University's Sexual Misconduct Policy.
      - c. The matter will be referred to the University Hearing Board if the charge(s) is determined to be particularly serious, including, but not limited to conduct that might lead to felony charges if prosecuted criminally.
  - b. The Respondent may deny responsibility for the alleged violation(s) charged. If the Respondent denies responsibility, the matter will be referred to the appropriate Student Conduct Board for a hearing and a determination of responsibility and sanctions, if any.
    - i. Except as specified in subsections (ii) and (iii), below, the matter will be referred to the University of Richmond Student Conduct Councils.
    - ii. The matter will be referred to the University Hearing Board if the charge(s) includes an alleged violation of the University's Sexual Misconduct Policy.
    - iii. The matter will be referred to the University Hearing Board if the

charge(s) is determined to be particularly serious, including, but not limited to conduct that might lead to felony charges if prosecuted criminally.

3. Within twenty-four (24) hours after the preliminary hearing, the Respondent must advise the Conduct Officer in writing of their choice of the available procedural options.
  - a. If the Respondent does not advise the Conduct Officer in writing of their choice within twenty-four hours, the Respondent will be found responsible and will be subject to the sanction(s) assigned by the Conduct Officer in accordance with the Standards of Student Conduct.
  - b. The Conduct Officer at their discretion can extend this deadline up to seventy-two (72) hours, with good cause.
4. If the matter is referred to a Student Conduct Board, the Conduct Officer will prepare a statement for the Student Conduct Board listing the specific charges against the Respondent, summarizing the facts supporting each charge, setting forth the recommended sanction(s) and summarizing the rationale for sanction(s), if applicable.
5. See Article VI for additional information regarding the rights of students in connection with alleged violations of the University's Sexual Misconduct Policy.

D. *Interim Suspension and Class Removal.*

1. In certain circumstances, the Conduct Officer, on his own accord or after consultation with other University officials, may impose a University or residence hall "interim" suspension prior to the resolution of a conduct case before a Student Conduct Board. Interim suspension may be imposed when the Conduct Officer has a reasonable basis to conclude that: (a) the continued presence of the Respondent on campus or in a residence hall may create a risk to the health or safety of one or more students or of other members of the University community; or (b) the Respondent poses an ongoing threat of disruption of, or interference with, the normal operations of the University. During an interim suspension, the Respondent must leave campus immediately and shall not participate in academic, extracurricular, or other activities of the University except as may be authorized by the Conduct Officer. During the period of interim suspension, the Respondent is not permitted on the campus without the prior written consent from the Conduct Officer. Such interim suspension, if imposed, shall be in addition to any other interim remedies, such as no contact orders, put into place by University officials, including Title IX Coordinators. The interim suspension does not replace the regular hearing and appeal process, which shall proceed on the normal schedule. The Respondent subject to an interim suspension will be permitted to return to campus solely for purposes of participating in a hearing before the appropriate Student Conduct Board.

2. A Respondent may be denied attendance in a specific class if the Conduct Officer has a reasonable basis to conclude that the Respondent may pose an ongoing threat to the health and safety of any person in the class. Arrangements will be made for the Respondent to either attend another section of the class or to make an arrangement with the instructor of record to complete the course in another manner.

## **ARTICLE V: RIGHTS AND RESPONSIBILITIES IN ALL MATTERS EXCEPT THOSE INVOLVING THE UNIVERSITY'S SEXUAL MISCONDUCT POLICY**

- A. *Rights and Responsibilities of the Respondent.* The Respondent shall be afforded the following rights and responsibilities throughout the conduct process:
  1. Hearing. The Respondent has the right to a hearing, conducted in accordance with the Standards of Student Conduct and the procedures of the appropriate Student Conduct Board.
    - a. The Respondent has the right to a conduct process outcome based on reliable evidence presented during the conduct process, including reasonable inferences drawn from such evidence, and reasonable determinations by the fact finder as to the credibility of witness testimony.
  2. Rules and Procedures. The Respondent has the right to a copy of the rules and procedures of the University's conduct process.
  3. Advisors. The Respondent has the right to the services of an advisor of their choice. The advisor must be a member of the University community and may not be an attorney.
    - a. Advisors are not permitted at the preliminary hearing.
    - b. The Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to participate in any hearing before a Student Conduct Board, including, but not limited to making oral arguments or statements, questioning witnesses, or raising objections during a hearing. An advisor may request a brief recess of the proceedings to provide advice to the Respondent.
    - c. The Respondent should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board hearing, as delays will not normally be allowed due to the scheduling conflicts of an advisor.
  4. Attorney. The Respondent has the right to the services of an attorney of their choice at their own personal expense. The Respondent does not have the right to have an attorney present during any interviews or during any

hearing.

5. Right to Remain Silent. The Respondent has the right to remain silent and is advised that any statement they make may be used in evidence against him/her.
6. Access to Complaint. The Respondent has the right to read the complaint during the preliminary hearing upon request. The Respondent does not have the right to obtain a copy of the complaint or reproduce the complaint in any manner from the preliminary hearing.
7. Notice of Hearing. If the Respondent seeks to have the charge(s) and/or the sanctions determined by a Student Conduct Board in accordance with these Standards, the Presiding Officer of the Student Conduct Board shall prepare and deliver to the Respondent a notice of hearing. Such notice may be delivered to the Respondent in person, by electronic mail, by U.S. Mail, or by campus mail. The date of the hearing shall not be less than five (5) or more than twenty (20) business days from the date of such notice. The time frame for conducting the hearing may be extended by the Presiding Officer of the Student Conduct Board, for good cause. The notice of hearing shall include:
  - a. The name and address of the Respondent.
  - b. The date, time, and location of the Student Conduct Board hearing.
  - c. The alleged violations of Article III (B) of the Standards of Student Conduct.
  - d. The date, and place of the alleged violation (if known).
  - e. The name of the Complainant and, if not the same, the name of the person who filed the complaint.
  - f. The name and administrative title of the Presiding Officer of the Student Conduct Board.
  - g. The names and administrative titles of the voting members of the Student Conduct Board.
8. Bias or Conflict of Interest on the Part of Student Conduct Board Member. The Respondent has the right to petition that any member of the Student Conduct Board be removed on the basis of bias or conflict of interest.
  - a. The Respondent must submit a written petition to the Vice President for Student Development at least ninety-six (96) hours prior to the scheduled hearing seeking removal of a member of the Student Conduct Board and stating the reasons for such request.
  - b. The Vice President for Student Development shall respond to such request, in writing, within forty-eight (48) hours of receipt of the request.
9. Witness List. The Respondent has the right to receive the list of witnesses that the Conduct Officer and/or the Student Conduct Board intends to call at a Student Conduct hearing at least forty-eight (48) hours in advance of the

scheduled hearing. If the Conduct Officer and/or Student Conduct Board identifies an additional witness or witnesses, who were previously unknown to the Conduct Officer and/or Student Conduct Board, within such forty-eight (48) hour time frame, they shall promptly notify the Respondent prior to commencement of the hearing.

a. Witness Statements. If a witness submits a written statement, the Respondent will be provided an opportunity to review, but not copy, such statement at least twenty-four (24) hours prior to the hearing. If the Conduct Officer and/or Student Conduct Board identifies an additional witness or witnesses, who were previously unknown to the Conduct Officer and/or Student Conduct Board within such twenty-four (24) hour time frame, they shall promptly notify the Respondent prior to commencement of the hearing. The Respondent will be provided with copies of witness statements that the Conduct Officer and/or Student Conduct Board intends to introduce at the commencement of the hearing. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the Respondent and other witnesses, the Respondent shall not copy, reproduce, disseminate or disclose to anyone other than their advisor any such witness statements and shall return such witness statements to the Presiding Officer at the conclusion of the hearing. Following the hearing, the Presiding Officer shall permit the Respondent to have access to such witness statements to the extent needed for any appeal conducted under these Standards of Student Conduct.

10. Documentary Evidence. Subject to applicable privacy laws, including FERPA, the Respondent has the right to review, but not copy, all documentary evidence that the Conduct Officer and/or Student Conduct Board intends to present at the hearing at least twenty-four (24) hours prior to commencement of the hearing. If the Conduct Officer and/or Student Conduct Board identifies additional documentary evidence previously unknown to the Conduct Officer and/or Student Conduct Board within such twenty-four (24) hour time frame, the Presiding Officer of the Student Conduct Board shall notify the Respondent prior to commencement of the hearing. . The Respondent will be provided with copies of all documentary evidence that the Conduct Officer and/or Student Conduct Board intends to introduce at the commencement of the hearing. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the Respondent, Complainant, and other witnesses, the Respondent shall not copy, reproduce, disseminate or disclose to anyone other than their advisor any such documentary evidence and shall return such documentary evidence to the Presiding Officer at the conclusion of the hearing. Following the hearing, the Presiding Officer shall permit the Respondent to have access to such documentary evidence to the extent needed for any appeal conducted under these Standards of Student Conduct.

11. Attendance at the Hearing. The Respondent and their advisor have the right to attend the entire Student Conduct Board hearing except for the deliberations of the Student Conduct Board.
12. Right to Offer Evidence and Witness Testimony. The Respondent has the right to offer evidence and oral testimony of witnesses that is relevant or reasonably related to the issues before the Student Conduct Board. The Respondent must inform the Presiding Officer, in writing of the names, and email addresses of any witness at least seventy-two (72) hours in advance of the scheduled hearing. If the Respondent identifies an additional witness or witnesses, who were previously unknown to the Respondent within such seventy-two (72) hour time frame, they shall promptly notify the Presiding Officer of the Student Conduct Board prior to commencement of the hearing.
13. Right to Offer Witnesses Statements. The Respondent has the right to offer written statements of witnesses that are relevant or reasonably related to the issues before the Student Conduct Board. The Respondent must inform the Presiding Officer, in writing, of the names and email addresses of those witnesses whose statement they intend to offer into evidence at least seventy-two (72) hours before the scheduled Student Conduct Board hearing.
  - a. Witnesses must submit written statements (either in print or electronically) directly to the Presiding Officer at least forty-eight (48) hours in advance of the scheduled hearing in order to be introduced to the Student Conduct Board at the hearing. If the Respondent identifies an additional witness or witnesses, who were previously unknown to the Respondent within such forty-eight (48) hour time frame, they shall promptly provide the Presiding Officer of the Student Conduct Board with copies of any written statement of such witness or witnesses prior to commencement of the hearing.
14. Questions for Witnesses. The Respondent has the right at a Student Conduct Board hearing to submit to the Presiding Officer of the Student Conduct Board a list of questions that the Respondent wishes the Presiding Officer of the Student Conduct Board to ask any witness who gives oral testimony. The Respondent must submit their initial list of questions to the Presiding Officer of the Student Conduct Board at least twenty-four (24) hours prior to the hearing. The Presiding Officer shall use their reasonable discretion in determining the relevance or appropriateness of any proposed question submitted by the Respondent and the Presiding Officer shall not be obligated to ask all of the questions proposed by the Respondent. Where appropriate, the Respondent may request a brief recess of the hearing to prepare such questions. The Presiding Officer, in their reasonable discretion, may grant or deny such request.
15. Closed Hearing. Student Conduct Board hearings are closed to the public. Admission of any person not directly connected to the hearing shall be at the

sole discretion of the Presiding Officer.

16. Failure to Attend Hearing. The Respondent has the responsibility to attend the scheduled Student Conduct Board hearing. If the Respondent, without valid excuse or authorization from the Vice President for Student Development, fails to attend the hearing as scheduled, the Student Conduct Board may proceed in the Respondent's absence to a determination of the matter, and if appropriate, impose sanctions.
17. Notice of Outcome. The Respondent has the right to written notice of the outcome and sanctions (if applicable) of the Student Conduct Board hearing by 5:00 PM on the second business day following the conclusion of the hearing. The Presiding Officer of the board at her/his discretion can extend this timeline.
18. Appeal. The Respondent has the right to appeal the decision of the Student Conduct Board, in accordance with the standards for appeal established in Article IX of the Standards of Student Conduct.

## **ARTICLE VI: RIGHTS AND RESPONSIBILITIES IN MATTERS INVOLVING THE UNIVERSITY'S SEXUAL MISCONDUCT POLICY**

The rights and responsibilities set forth in this Article VI shall apply to all disciplinary hearings in which the Respondent is charged with a violation of the University's Sexual Misconduct Policy. These rights and responsibilities shall apply to all hearings in which at least one charge involves an alleged violation of the University's Sexual Misconduct Policy. The University shall respond to allegations of sexual misconduct in a prompt and equitable manner. As a general guideline, the University will use reasonable efforts to complete the investigative (including any inquiry or investigation by the University's Title IX coordinators) and disciplinary process (excluding appeals) within sixty (60) days. However, the time frame for completion of a specific matter may vary depending upon a number of factors, including, but not limited to, the complexity of the case or investigation, the availability of witnesses, and the academic calendar.

- A. *Rights and Responsibilities of the Respondent*. The Respondent shall be afforded the following rights and responsibilities throughout the conduct process:
  1. Hearing. The Respondent has the right to a hearing conducted in accordance with the Standards of Student Conduct and the procedures set forth in Article VII of the Standards.
    - a. The Respondent has the right to a conduct process outcome based on reliable evidence presented during the conduct process, including reasonable inferences drawn from such evidence, and reasonable determinations by the fact finder as to the credibility of witness testimony.



2. Rules and Procedures. The Respondent has the right to a copy of the rules and procedures of the University's conduct process.
3. Advisors. The Respondent has the right to the services of an advisor of their choice. The advisor may be an attorney.
  - a. Advisors may attend the preliminary hearing and any other related meeting, hearing, or investigative interview with the Respondent once the conduct process has commenced.
  - b. The role of the advisor is to provide support, guidance, and advice to the Respondent. The Respondent is responsible for presenting their own information, and therefore, other than providing advice and guidance directly to the Respondent, advisors are not permitted to participate in the preliminary hearing, other related meetings or interviews, or in any hearing before a University Hearing Board, including, but not limited to making oral arguments or statements, questioning witnesses, or raising objections during a hearing. An advisor may request a brief recess of the proceedings to provide advice to the Respondent.
  - c. The Respondent should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the University Hearing Board hearing, as delays will not normally be allowed due to the scheduling conflicts of an advisor.
4. Right to Remain Silent. The Respondent has the right to remain silent and is advised that any statement they make may be used in evidence against him/her.
5. Access to Title IX Report and Charge Letter. The Respondent has the right to read the charge letter and any report by the Title IX investigator during the preliminary hearing upon request. The Respondent does not have the right to reproduce the report by the Title IX investigator or the charge letter in any manner.
6. Notice of Hearing. If the Respondent seeks to have the charge(s) and/or the sanctions determined by the University Hearing Board, in accordance with these Standards, the Hearing Officer of the University Hearing Board shall prepare and deliver to the Respondent a notice of hearing. Such notice may be delivered to the Respondent in person, by electronic mail, by U.S. Mail, or by campus mail. The date of the hearing shall not be less than five (5) or more than twenty (20) business days from the date of such notice. The time frame for conducting the hearing may be extended by the Hearing Officer of the University Hearing Board, for good cause and upon written notice to the Respondent setting forth the reason for the extension. The notice of hearing shall include:
  - a. The name and address of the Respondent.
  - b. The date, time, and location of the University Hearing Board hearing.

- c. The alleged violations of Article III (B) of the Standards of Student Conduct.
  - d. The date and place of the alleged violation(s) (if known).
  - e. The name of the Complainant(s) and, if not the same, the name of the person who filed the complaint.
  - f. The name and administrative title of the Hearing Officer of the University Hearing Board.
  - g. The names and administrative titles of the voting members of the University Hearing Board.
7. Bias or Conflict of Interest on the Part of University Hearing Board Members.  
The Respondent has the right to petition that any member of the Student Conduct Board be removed on the basis of bias or conflict of interest.
- a. The Respondent must submit a written petition to the Vice President for Student Development at least ninety-six (96) hours prior to the scheduled hearing seeking removal of a member of the Student Conduct Board and stating the reasons for such request.
  - b. The Vice President for Student Development shall respond to such request, in writing, within forty-eight (48) hours of receipt of the request.
8. Witness List and Statements.
- a. The Respondent has the right to receive the list of witnesses that the Conduct Officer, Student Conduct Board and/or Complainant intend to call at a University Hearing Board hearing at least forty-eight (48) hours in advance of the scheduled hearing. If the Conduct Officer, Student Conduct Board, and/or Complainant identify an additional witness or witnesses, who were previously unknown to the Conduct Officer, Student Conduct Board and/or Complainant within such forty-eight (48) hour time frame, the Hearing Officer shall promptly notify the Respondent prior to commencement of the hearing.
  - b. Witness Statements. If a witness submits a written statement, the Respondent will be provided an opportunity to review, but not copy, such statement at least twenty-four (24) hours prior to the hearing. If the Conduct Officer, Student Conduct Board, and/or Complainant identify an additional witness or witnesses, who were previously unknown to the Conduct Officer, Student Conduct Board, and/or Complainant within such twenty-four (24) hour time frame, the Hearing Officer shall promptly notify the Respondent prior to commencement of the hearing. The Respondent will be provided with copies of witness statements that the Conduct Officer, Student Conduct Board and/or Complainant intends to introduce at the commencement of the hearing. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the Respondent, Complainant, and other witnesses, the

Respondent shall not copy, reproduce, disseminate or disclose to anyone other than their advisor any such witness statements and shall return such witness statements to the Hearing Officer at the conclusion of the hearing. Following the hearing, the Hearing Officer shall permit the Respondent to have access to such witness statements to the extent needed for any appeal conducted under these Standards of Student Conduct.

9. Documentary Evidence. Subject to applicable privacy laws, including FERPA, the Respondent has the right to review, but not copy, all documentary evidence that the Conduct Officer, Student Conduct Board and/or Complainant intends to present at the hearing at least twenty-four (24) hours prior to commencement of the hearing. If the Conduct Officer, Student Conduct Board and/or Complainant identifies additional documentary evidence previously unknown to the Conduct Officer, Student Conduct Board and/or Complainant within such twenty-four (24) hour time frame, the Hearing Officer shall notify the Respondent prior to commencement of the hearing. The Respondent will be provided with copies of all documentary evidence that the Conduct Officer, Student Conduct Board and/or Complainant intends to introduce at the commencement of the hearing. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the Respondent, Complainant, and other witnesses, the Respondent shall not copy, reproduce, disseminate or disclose to anyone other than their advisor any such documentary evidence and shall return such documentary evidence to the Hearing Officer at the conclusion of the hearing. Following the hearing, the Hearing Officer shall permit the Respondent to have access to such documentary evidence to the extent needed for any appeal conducted under these Standards of Student Conduct.
10. Attendance at the Hearing. The Respondent and their advisor have the right to attend the entire University Hearing Board hearing except for the deliberations of the University Hearing Board.
11. Right to Offer Evidence and Witness Testimony. The Respondent has the right to offer evidence and oral testimony of witnesses that is relevant or reasonably related to the issues before the Student Conduct Board. The Respondent must inform the Hearing Officer, in writing, of the names, and email addresses of any witness at least seventy-two (72) hours in advance of the scheduled hearing. If the Respondent identifies an additional witness or witnesses, who were previously unknown to the Respondent within such seventy-two (72) hour time frame, they shall promptly notify the Hearing Officer prior to commencement of the hearing. The Hearing Officer shall promptly share this information with the Complainant.
12. Right to Offer Witness Statements.
  - a. The Respondent has the right to offer written statements of witnesses that are relevant or reasonably related to the issues before the Student

Conduct Board. The Respondent must inform the Hearing Officer, in writing, of the names, and email addresses of those witnesses whose statement they intend to offer into evidence at least seventy-two (72) hours before the scheduled Student Conduct Board hearing.

- b. Witnesses must submit written statements (either in print or electronically) directly to the Hearing Officer at least forty-eight (48) hours in advance of the scheduled hearing in order to be introduced to the University Hearing Board at the hearing. If the Respondent identifies an additional witness or witnesses, who were previously unknown to the Respondent within such forty-eight hour time frame, they shall promptly provide the Hearing Officer of the University Hearing Board with copies of any written statement of such witness or witnesses prior to commencement of the hearing.
13. Documentary Evidence. The Respondent has the right to offer documentary evidence that is relevant or reasonably related to the issues before the Student Conduct Board, provided that, at least forty-eight (48) hours before the scheduled University Hearing Board hearing, the Respondent provides the Hearing Officer with copies of all such documentary evidence.
  14. Questions for Witnesses. The Respondent has the right to submit to the Hearing Officer of the University Hearing Board a list of questions that the Respondent wishes the Hearing Officer of the University Hearing Board to ask any witness who gives oral testimony at the hearing. The Respondent must submit their initial list of questions to the Hearing Officer at least twenty-four (24) hours prior to the hearing. The Hearing Officer shall use their reasonable discretion in determining the relevance or appropriateness of any proposed question submitted by the Respondent and the Hearing Officer shall not be obligated to ask all of the questions proposed by the Respondent. The Hearing Officer shall protect witnesses, including the Complainant, from improper or irrelevant questions, insulting treatment and unnecessary or irrelevant inquiry into private affairs, including a witness' dating or sexual history. Where appropriate, the Respondent may request a brief recess of the hearing to prepare such questions. The Hearing Officer, in their reasonable discretion, may grant or deny such request.
  15. Timeline Related to Evidence and Witness Questions. The Hearing Officer of the University Hearing Board may extend the time frame for submitting evidence, witness statements, witness lists, and witness questions, at their sole discretion, and only for good cause. If timelines are extended, the Hearing Officer shall provide written notice to the Respondent and the Complainant.
  16. Closed Hearing. University Hearing Board hearings are closed to the public. Admission of any person not directly connected to the hearing shall be at the sole discretion of the Hearing Officer.
  17. Failure to Attend. The Respondent has the responsibility to attend the

scheduled University Hearing Board hearing. If the Respondent, without valid excuse or authorization from the Vice President for Student Development, fails to attend the hearing as scheduled, the University Hearing Board may proceed in the Respondent's absence to a determination of the matter, and if appropriate, impose sanctions.

18. Notice of Outcome. The Respondent has the right to written notice of the outcome and sanctions (if applicable) of the University Hearing Board hearing, including a brief summary of the rationale for such outcome and sanctions (if any), by 5:00 PM on the second business day following the conclusion of the hearing. The Hearing Officer, at her/his discretion can extend this timeline upon written notice to the Respondent setting forth the reason for the extension. This notice shall include a brief description of the appeal rights of the Respondent under these Standards of Student Conduct. The Respondent also has the right to written notice of any change in the outcome or sanctions imposed and notice as to when such outcome and sanctions shall be deemed final. The notice(s) described in this Section 17 shall be sent simultaneously to the Respondent and the Complainant.

19. Appeal. The Respondent has the right to appeal the decision of the Student Conduct Board, in accordance with the standards for appeal established in Article IX of the Standards of Student Conduct.

20. Privacy of the Respondent. The Respondent has the right to preservation of privacy, to the extent reasonably possible and allowed by law.

- a. The Respondent has the right not to have irrelevant prior sexual history admitted as evidence in a University Hearing Board hearing.
- b. The Respondent has the right not to have released to the public by University officials any personally identifiable information about the complaint, without their consent, except to the extent such disclosure is required by applicable law, regulation or court order.

B. *Rights and Responsibilities of the Complainant*. The Complainant shall be afforded the following rights and responsibilities throughout the conduct process:

1. Notice of Charge/Outcome of Preliminary Hearing/ Hearing.

- a. When the Respondent is charged with a violation of the University's Sexual Misconduct Policy and the matter proceeds to a hearing, including a hearing limited to the appropriate sanctions, the Complainant shall be notified and has the right to participate in a hearing, conducted in accordance with the Standards of Student Conduct and the procedures set forth in Article VII of the Standards. If the Respondent accepts responsibility for a charge of violating the University Sexual Misconduct Policy and accepts the proposed sanctions, the Conduct Officer shall notify the Complainant in writing of such outcome and sanctions that directly relate to the Complainant.

If the Conduct Officer determines that no charge will be filed, the Conduct Officer shall notify the Complainant, in writing, of that determination.

- b. The Complainant has the right to a conduct process outcome based on reliable evidence presented during the conduct process, including reasonable inferences drawn from such evidence, and reasonable determinations by the fact finder as to the credibility of witness testimony.
2. Rules and Procedures. The Complainant has the right to a copy of the rules and procedures of the University's conduct process.
3. Advisors. The Complainant has the right to the services of an advisor of their choice. The advisor may be an attorney.
  - a. Advisors may attend all meetings, hearings, or investigative interviews with the Complainant relating to the pending disciplinary charge, once the disciplinary process has commenced.
  - b. The role of the advisor is to provide support, guidance, and advice to the Complainant. The Complainant is responsible for presenting their own information, and therefore, other than providing advice and guidance directly to the Complainant, advisors are not permitted to participate in the related meetings or interviews, or in any hearing before a Student Conduct Board, including, but not limited to making oral arguments or statements, questioning witnesses, or raising objections during a hearing. An advisor may request a brief recess of the proceedings to provide advice to the Complainant.
  - c. The Complainant should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board hearing, as delays will not normally be allowed due to the scheduling conflicts of an advisor.
4. Right Not To Participate. The Complainant has the right to decline to participate in the disciplinary process and in any hearing, meeting or investigative interview and is advised that a decision not to participate may affect the outcome of the disciplinary process and/or hearing.
5. Access to Title IX Report and Charge Letter. The Complainant has the right to read the any report by the Title IX investigator and the charge letter issued to the Respondent during the preliminary hearing stage of the disciplinary proceeding. The Complainant does not have the right to reproduce the report by the Title IX investigator or the charge letter in any manner or to remove the Title IX report or charge letter from the preliminary hearing.
6. Notice of Hearing. If the Respondent seeks to have the charge(s) and/or sanctions determined by the University Hearing Board, in accordance with these Standards, the Hearing Officer of the University Hearing Board shall prepare and deliver to the Complainant a notice of hearing. Such notice may

be delivered to the Complainant in person, by electronic mail, by U.S. Mail, or by campus mail. The date of the hearing shall not be less than five (5) or more than twenty (20) business days from the date of such notice. The time frame for conducting the hearing may be extended by the Hearing Officer of the Student Conduct Board, for good cause and upon written notice to the Complainant setting forth the reason for the extension. The notice of hearing shall include:

- a. The name and address of the Respondent.
  - b. The date, time, and location of the University Hearing Board hearing.
  - c. The alleged violations of Article III (B) of the Standards of Student Conduct.
  - d. The date, and place of the alleged violation(s) (if known).
  - e. The name of any other Complainants and of the person who filed the complaint if not the Complainant(s).
  - f. The name and administrative title of the Hearing Officer of the University Hearing Board.
  - g. The names and administrative titles of the voting members of the University Hearing Board.
7. Bias or Conflict of Interest on the Part of University Hearing Board Members. The Complainant has the right to petition that any member of the University Hearing Board be removed on the basis of bias or conflict of interest.
- a. The Complainant must submit a written petition to the Vice President for Student Development at least ninety-six (96) hours prior to the scheduled hearing seeking removal of a member of the Student Conduct Board and stating the reasons for such request.
  - b. The Vice President for Student Development shall respond to such request, in writing, within forty-eight (48) hours of receipt of the request.
8. Witness List and Statements.
- a. The Complainant has the right to receive the list of witnesses that the Conduct Officer, Student Conduct Board, and/or Respondent intend to call at a University Hearing Board hearing at least forty-eight (48) hours in advance of the scheduled hearing. If the Conduct Officer, Student Conduct Board, and/or Respondent identify an additional witness or witnesses, who were previously unknown to the Conduct Officer, Student Conduct Board, and/or Respondent within such forty-eight (48) hour time frame, the Hearing Officer shall promptly notify the Complainant prior to commencement of the hearing.
  - b. Witness Statements. If a witness submits a written statement, the Complainant will be provided an opportunity to review, but not copy such statement at least twenty-four (24) hours prior to the hearing. If the

Conduct Officer, Student Conduct Board, and/or Respondent identifies an additional witness or witnesses, who were previously unknown to the Conduct Officer, Student Conduct Board, and/or Respondent within such twenty-four (24) hour time frame, the Hearing Officer shall promptly notify the Complainant prior to commencement of the hearing. The Complainant will be provided with copies of witness statements that the Conduct Officer, Student Conduct Board, and/or Respondent intends to introduce at the commencement of the hearing. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the Respondent, Complainant, and other witnesses, the Complainant shall not copy, reproduce, disseminate or disclose to anyone other than their advisor any such witness statements and shall return such witness statements to the Hearing Officer at the conclusion of the hearing. Following the hearing, the Hearing Officer shall permit the Complainant to have access to such witness statements to the extent needed for any appeal conducted under these Standards of Student Conduct.

9. Documentary Evidence. Subject to applicable privacy laws, including FERPA, the Complainant has the right to review, but not copy, all documentary evidence that the Conduct Officer, Student Conduct Board, and/or Respondent intends to present at the hearing at least twenty-four (24) hours prior to commencement of the hearing. If the Conduct Officer, Student Conduct Board, and/or Respondent identifies additional documentary evidence previously unknown to the Conduct Officer, Student Conduct Board, and/or Respondent within such twenty-four (24) hour time frame, the Hearing Officer shall notify the Complainant prior to commencement of the hearing. The Complainant will be provided with copies of all documentary evidence that the Conduct Officer, Student Conduct Board, and/or Respondent intends to introduce at the commencement of the hearing. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the Respondent, Complainant, and other witnesses, the Complainant shall not copy, reproduce, disseminate or disclose to anyone other than their advisor any such documentary evidence and shall return such documentary evidence to the Hearing Officer at the conclusion of the hearing. Following the hearing, the Hearing Officer shall permit the Complainant to have access to such documentary evidence to the extent needed for any appeal conducted under these Standards of Student Conduct.
10. Attendance at the Hearing. The Complainant and their advisor have the right to attend the entire University Hearing Board hearing, except for the deliberations of the University Hearing Board.
11. Right to Offer Evidence and Witness Testimony. The Complainant has the right to offer evidence and oral testimony of witnesses that is relevant or reasonably related to the issues before the Student Conduct Board. The Complainant must inform the Hearing Officer, in writing, of the names, and



email addresses of any witness at least seventy-two (72) hours in advance of the scheduled hearing. If the Complainant identifies an additional witness or witnesses, who were previously unknown to the Complainant within such seventy-two (72) hour time frame, they shall promptly notify the Hearing Officer prior to commencement of the hearing. The Hearing Officer shall promptly share this information with the Respondent.

12. Right to Offer Witness Statements.

- a. The Complainant has the right to offer written statements of witnesses that are relevant or reasonably related to the issues before the Student Conduct Board. The Complainant must inform the Hearing Officer, in writing, of the names, and email addresses of those witnesses whose statement they intend to offer into evidence at least seventy-two (72) hours before the scheduled Student Conduct Board hearing.
- b. Witnesses must submit written statements (either in print or electronically) directly to the Hearing Officer at least forty-eight (48) hours in advance of the scheduled hearing in order to be introduced to the University Hearing Board at the hearing. If the Complainant identifies an additional witness or witnesses, who were previously unknown to the Complainant within such forty-eight (48) hour time frame, they shall promptly provide the Hearing Officer of the University Hearing Board with copies of any written statement of such witness or witnesses prior to commencement of the hearing.

13. Documentary Evidence. The Complainant has the right to offer documentary evidence that is relevant or reasonably related to the issues before the Student Conduct Board, provided that, at least forty-eight (48) hours before the scheduled University Hearing Board hearing, the Complainant provides the Hearing Officer with copies of all such documentary evidence

14. Questions for Witnesses. The Complainant has the right to submit to the Hearing Officer of the University Hearing Board a list of questions that the Complainant wishes the Hearing Officer of the University Hearing Board to ask any witness who gives oral testimony at the hearing. The Complainant must submit their initial list of questions to the Hearing Officer at least twenty-four (24) hours prior to the hearing. The Hearing Officer shall use their reasonable discretion in determining the relevance or appropriateness of any proposed question submitted by the Respondent and the Hearing Officer shall not be obligated to ask all of the questions proposed by the Complainant. The Hearing Officer shall protect witnesses, including the Respondent, from improper or irrelevant questions, insulting treatment and unnecessary or irrelevant inquiry into private affairs, including a witness' dating or sexual history. Where appropriate, the Complainant may request a brief recess of the hearing to prepare such questions. The Hearing Officer, in their reasonable discretion, may grant or deny such request.
15. Right of Complainant to Testify in Person or Via Videoconferencing. The Complainant has the right to give testimony in the presence of the Respondent and the University Hearing Board at the hearing. As an alternative, the Complainant may choose to give testimony before the University Hearing Board while the Respondent observes the process by way of videoconferencing capability. If the Complainant chooses the videoconference option, the Hearing Officer must be notified at least forty-eight (48) hours in advance of the scheduled hearing.
16. Victim Impact Statement. The Complainant has the right to offer a victim-impact statement at the Student Conduct Board hearing and to have that statement considered by the board.
17. Timeline Related to Evidence and Witness Questions. The Hearing Officer of the University Hearing Board may extend the time frame for submitting evidence, witness statements, witness lists, and witness questions, at their sole discretion, and only for good cause. If timelines are extended, the Hearing Officer shall provide written notice to the Respondent and the Complainant.
18. Closed Hearing. Student Conduct Board hearings are closed to the public. Admission of any person not directly connected to the hearing shall be at the sole discretion of the Hearing Officer.
19. Notice of Outcome. The Complainant has the right to written notice of the outcome and sanctions (if applicable) of the University Hearing Board hearing that directly relate to the Complainant, including a brief summary of the rationale for such outcome and sanctions (if any), by 5:00 PM on the second business day following the conclusion of the hearing. The Hearing Officer of the board at her/his discretion can extend this timeline upon written notice to the Complainant setting for the reason for the extension. This notice shall include a brief description of the appeal rights of the

Complainant under these Standards of Student Conduct. The Complainant also has the right to written notice of any change in the outcome or sanctions imposed and notice as to when such outcome and sanctions shall be deemed final. The notice(s) described in this Section 19 shall be sent simultaneously to the Complainant and the Respondent.

20. Appeal. The Complainant has the right to appeal the decision of the University Hearing Board, in accordance with the standards for appeal established in Article IX of the Standards of Student Conduct.
21. Privacy of the Complainant. The Complainant has the right to preservation of privacy, to the extent reasonably possible and allowed by law.
  - c. The Complainant has the right not to have irrelevant prior sexual history admitted as evidence in a University Hearing Board hearing.
  - d. The Complainant has the right not to have released to the public by University officials any personally identifiable information about the complaint, without their consent, except to the extent such disclosure is required by applicable law, regulation or court order.

## **ARTICLE VII: STUDENT CONDUCT BOARD PROCEDURES**

- A. *Procedures Applicable to all Student Conduct Board Hearings*. The following procedures will apply to all Student Conduct Board. Specific rules and guidelines for the University of Richmond Student Conduct Councils are outlined in the Statutes of the Councils.
  1. In situations where more than one student is accused of violating Article III of the Standards of Student Conduct, the Student Conduct Administrator, at their discretion, may permit the Student Conduct Board Hearings concerning each student to be conducted either separately or jointly.
  2. Student Conduct Hearings shall be closed to the public.
  3. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Board proceedings.
  4. There shall be a single verbatim record, typically an audiotape recording, of all Student Conduct Board hearings except for deliberations of the Student Conduct Board, which shall not be recorded. The record shall be the property of the University.
    - a. If it appears vital to the disposition of the case, the Presiding Officer or the Vice President for Student Development, at their sole discretion, may order that the proceedings be transcribed in addition to the recording.
    - b. The Respondent and the Complainant (if applicable) may request the opportunity to review the recording of the hearing, but will not be

provided with a copy of the recording and may not copy the recording in any manner.

5. The Presiding Officer, at their sole discretion, shall determine the admissibility of evidence, witness testimony, and witness statements and shall only admit evidence, testimony, or witness statements that is relevant or reasonably related to the issues before the Student Conduct Board.
  6. All procedural questions are subject to the final decision of the Presiding Officer of the Student Conduct Board.
  7. After the portion of the Student Conduct Board hearing concludes in which all evidence, witness testimony, and witness statements have been received, the Student Conduct Board shall deliberate in private to determine whether the Respondent is responsible for the violation or violations of Article III (B) of the Standards of Student Conduct for which the Respondent was charged.
  8. The Student Conduct Board's determination shall be made based on a preponderance of the evidence standard, meaning that in order to find the Respondent responsible, the Student Conduct Board must find that the greater weight of the evidence presented at the hearing supports a finding of responsibility for the violation(s) of Article III (B) with which the Respondent was charged. A preponderance or the greater weight of the evidence is a matter of quality, not quantity.
- B. *Procedures Specific to the University Hearing Board in Matters Involving the University's Sexual Misconduct Policy.* The University Hearing Board is charged with the disposition of charges as outlined in Article IV (C)(2)(a)(ii)(b) and Article IV (C)(2)(b)(ii) of the Standards of Student Conduct. The Vice President for Student Development shall assign a Hearing Officer to be responsible for the administration of the University Hearing Board.
1. Composition of the University Hearing Board. The University Hearing Board shall consist of the three (3) voting members chosen from the University Hearing Board Pool.
    - a. The University Hearing Board Pool shall consist of a minimum of ten (10) staff/administrators appointed annually by the University President and who have received annual training on issues related to sexual misconduct, Title IX, the impact of trauma on victims, the investigative and disciplinary process, and the hearing process.
    - b. Any member of the University Hearing Board Pool selected to serve on a University Hearing Board must disqualify him or herself for any bias or conflict of interest.
  2. Pre-Hearing Procedures.
    - a. The Hearing Officer shall notify the Respondent and the Complainant in accordance with the Standards of Student Conduct.

- b. The Respondent shall be afforded the opportunity to meet (in person or by telephone or videoconference) with the Hearing Officer prior to the hearing. The purpose of this meeting is to advise the Respondent of the hearing procedures and their rights in connection with the hearing. The Respondent's advisor is permitted to attend this meeting.
  - c. The Complainant shall be afforded the opportunity to meet (in person or by telephone or videoconference) with the Hearing Officer prior to the hearing. The purpose of this meeting is to advise the Complainant of the hearing procedures and their rights in connection with the hearing. The Complainant's advisor is permitted to attend this meeting.
  - d. The Hearing Officer shall create seven (7) copies of an evidence packet containing all submitted information to be considered during the hearing. The packets are distributed as follows:
    - i. One (1) copy for the Hearing Officer's use which will be added to the official case file;
    - ii. Three (3) copies distributed to the University Hearing Board Members at the Pre-Hearing Meeting;
    - iii. One (1) copy given to the Respondent in accordance with the time frames set forth in these Standards of Student Conduct;
    - iv. One (1) copy given to the Complainant in accordance with the time frames set forth in these Standards of Student Conduct; and
    - v. One (1) copy is made available for witness reference during the hearing.
  - e. The Hearing Officer shall convene a Pre-Hearing Meeting of the members of the University Hearing Board to review the charge(s), go over the contents of the evidence packet, and to answer any procedural questions. This meeting shall be held at least twenty-four hours prior to the hearing.
3. General Procedural Rules of the University Hearing Board.
- a. The Hearing Officer shall preside over and conduct the hearing and is specifically empowered to:
    - i. Appoint a recording secretary or other staff as needed;
    - ii. Control the admission of persons to the hearing. The Hearing Officer may order any person in attendance that does not conduct him or herself in an orderly and respectful manner to leave. Obstructive, contemptuous, disruptive or noisy conduct in the presence of the hearing board by any person, including the Respondent, the Complainant, a witness, or an advisor, may result in that person being removed from the hearing and, if a student, charged with a violation of Article III (B) of the Standards of Student Conduct;

- iii. Control the conduct of the University Hearing Board members and of the Respondent and Complainant to protect witnesses from improper questions, insulting treatment and unnecessary inquiry into their private affairs; and
    - iv. Exclude witnesses from the hearing room except when they are testifying.
  - b. All members of the University Hearing Board must be present throughout the hearing.
    - i. If a member of the University Hearing Board must leave before the hearing is complete with good cause, the Hearing Officer may at their sole discretion recess the hearing and reconvene the hearing within twenty-four (24) hours.
    - ii. If a voting member disqualifies him or herself or for good cause must withdraw from the hearing, the Hearing Officer shall select a replacement from the University Hearing Board Pool. The Hearing Officer shall, after consultation with the Respondent and the Complainant, in open session, provide the replacement with a summary of all prior proceedings.
  - c. No person shall address the University Hearing Board or submit questions to the Hearing Officer for any witness (including the Respondent, the Complainant or an advisor) without first being recognized by the Hearing Officer.
  - d. The taking of photographs in the hearing room, the streaming or broadcasting from the hearing room of the proceedings by social media, telephone, radio or television (with the exception of videoconferencing as outlined in Article VI of the Standards of Student Conduct), or the recording of the proceedings for non-official use, or for later release or broadcast to the general public, shall not be permitted.
- 4. Order of the Hearing.
  - a. The Hearing Officer will ask the members of the University Hearing Board, the Respondent, the Respondent's advisor, the Complainant, and the Complainant's advisor to introduce themselves.
  - b. The Hearing Officer shall read the charge(s) to the Respondent, and the Respondent shall state whether they accept responsibility for each charge.
    - i. In the absence of a response, the Respondent shall be deemed not to have accepted responsibility for the charge(s).
    - ii. If the Respondent does not accept responsibility for the charge(s), evidence, witness testimony, and/or witness statements admitted by the Hearing Officer shall be presented that will support or refute the charge.

- iii. If the Respondent accepts responsibility for the charge(s), evidence, witness testimony, and/or witness statements that will assist the University Hearing Board in assigning an appropriate sanction.
  - c. The Hearing Officer reminds all parties that the burden of proof shall be *preponderance of evidence*, meaning that in order to find the Respondent responsible, the University Hearing Board must find, based on a preponderance of the evidence presented at the hearing, that the Respondent is responsible for the violation charged.
  - d. The Respondent and Complainant shall be provided an opportunity to make an opening statement.
  - e. The Members of the University Hearing Board shall direct the Hearing Officer to call witnesses and/or present evidence and witness statements.
  - f. The Complainant shall have the opportunity to testify, present evidence, call witnesses, and present witness statements.
  - g. The Respondent shall have the opportunity to testify, present evidence, call witnesses, and present witness statements.
  - h. The Complainant shall have the opportunity to make a closing and/or impact statement.
  - i. The Respondent shall be given the opportunity to make a closing statement to the University Hearing Board.
  - j. The Hearing Officer will excuse all parties and witnesses so that the members of the University Hearing Board may deliberate in private.
  - k. After deliberations are completed, the hearing will reconvene and the Hearing Officer will read the decision of the University Hearing Board and any sanctions if applicable.
  - l. The Hearing Officer will provide information related to notification of the decision and appeal information.
  - m. The Hearing Officer will adjourn the hearing.
5. Procedure for Oral Testimony. The following procedures shall apply to all oral testimony presented at the hearing:
- i. Witnesses shall testify under oath or affirmation.
  - ii. The members of the University Hearing Board shall be given the opportunity to ask questions of the witness.
  - iii. The Hearing Officer will ask questions submitted by the student calling the witness (either the Complainant or the Respondent) under procedures outlined in Article VI of the Standards of Student Conduct.
  - iv. The Hearing Officer will ask questions submitted by the other student (either the Complainant or the Respondent) under the procedures outlined in Article VI of the Standards of Student Conduct.

- v. The Members of the University Hearing Board shall have the opportunity to ask questions of the witness.
  - vi. The Respondent and Complainant shall have the opportunity to submit follow-up questions for the witness to the Hearing Officer. The Hearing Officer will ask questions for the witness under the procedures outlined in Article VI of the Standards of Student Conduct.
  - vii. Members of the University Hearing Board shall have a final opportunity to ask questions of the Respondent.
6. Procedure for Other Evidence and Witness Statements. The following procedures shall apply to all documentary or other evidence presented at the hearing:
- i. Evidence submitted by the Conduct Officer, Complainant, and/or Respondent will be permitted at the sole discretion of the Hearing Officer.
  - ii. Written statements of witnesses who cannot attend the hearing must be submitted in advance as outlined in the Standards of Student Conduct.
  - iii. If the Hearing Officer permits evidence or witness statements, seven (7) copies should be provided for distribution as outlined in Article VII (B)(2)(d) of the Standards of Student Conduct.
7. Deliberation of the University Hearing Board.
- a. The voting members of the University Hearing Board shall deliberate in private and reach a decision based only upon the evidence introduced at the hearing. The Hearing Officer is present during the deliberation, but does not have a vote. .
  - b. The members of University Hearing Board shall not make any finding of fact that is not supported by the evidence presented at the hearing.
  - c. If two or more University Hearing Board members find the Respondent responsible for a charge, the student is “responsible” for that charge.
  - d. If the Respondent is found responsible, the recommended sanction shall be chosen generally from those listed in Article VIII of the Standards of Student Conduct.
  - e. The Hearing Officer shall write a brief statement outlining the rationale for the decision and sanction after the University Hearing Board has reached its decision. The members of the University Hearing Board shall sign the statement, and the statement will be placed in the case file.
- C. *Procedures Specific to the University Hearing Board in all matters except those involving the University’s Sexual Misconduct Policy.* The University Hearing Board is charged with the disposition of charges as outlined in Article IV (C)(2)(a)(ii)(c) and Article IV (C)(2)(b)(iii) of the Standards of Student Conduct.



The Vice President for Student Development shall assign a Hearing Officer to be responsible for the administration of the University Hearing Board.

1. Composition of the University Hearing Board. The University Hearing Board shall consist of three (3) voting members chosen from the University Hearing Board Pool.
  - a. The University Hearing Board Pool shall consist of a minimum of ten (10) staff/administrators appointed annually by the Vice President for Student Development and who have received annual training on issues related to sexual misconduct, Title IX, the impact of trauma on victims, the investigative and disciplinary process, and the hearing process.
  - b. Any member of the University Hearing Board Pool selected to serve on a University Hearing Board must disqualify him or herself for any bias or conflict of interest.
2. Pre-Hearing Procedures.
  - a. The Hearing Officer shall notify the Respondent in accordance with the Standards of Student Conduct.
  - b. The Respondent shall be afforded the opportunity to meet (in person or by telephone or videoconference) with the Hearing Officer prior to the hearing. The purpose of this meeting is to advise the Respondent of the hearing procedures and their rights in connection with the hearing.
  - c. The Hearing Officer shall create six (6) copies of an evidence packet containing all submitted information to be considered during the hearing. The packets are distributed as follows:
    - i. One (1) copy for the Hearing Officer's use which will be added to the official case file;
    - ii. Three (3) copies distributed to the University Hearing Board Members at the Pre-Hearing Meeting;
    - iii. One (1) copy given to the Respondent in accordance with the time frames set forth in these Standards of Student Conduct; and
    - iv. One (1) copy is made available for witness reference during the hearing.
  - d. The Hearing Officer shall convene a Pre-Hearing Meeting of the members of the University Hearing Board to review the charge(s), go over the contents of the evidence packet, and to answer any procedural questions. This meeting shall be held at least twenty-four hours prior to the hearing.
3. General Procedural Rules of the University Hearing Board.
  - a. The Hearing Officer shall preside over and conduct the hearing and is specifically empowered to:
    - i. Appoint a recording secretary or other staff as needed;

- ii. Control the admission of persons to the hearing. The Hearing Officer may order any person in attendance that does not conduct him or herself in an orderly and respectful manner to leave. Obstructive, contemptuous, disruptive or noisy conduct in the presence of the hearing board by any person, including the Respondent, a witness, or an advisor, may result in that person being removed from the hearing and, if a student, charged with a violation of prohibited conduct as outlined in Article III (B) of the Standards of Student Conduct;
    - iii. Control the conduct of the University Hearing Board members and of the Respondent to protect witnesses from improper questions, insulting treatment and unnecessary inquiry into their private affairs; and
    - iv. Exclude witnesses from the hearing room except when they are testifying.
  - b. All members of the University Hearing Board must be present throughout the hearing.
    - i. If a member of the University Hearing Board must leave the before the hearing is complete with good cause, the Hearing Officer may at their sole discretion recess the hearing and reconvene the hearing within twenty-four (24) hours.
    - ii. If a voting member disqualifies him or herself or for good cause must withdraw from the hearing, the Hearing Officer shall select a replacement from the University Hearing Board Pool. The Hearing Officer shall, after consultation with the Respondent, in open session, provide the replacement with a summary of all prior proceedings.
  - c. No person shall address the University Hearing Board or submit questions to the Hearing Officer for any witness (including the Respondent or an advisor) without first being recognized by the Hearing Officer.
  - d. The taking of photographs in the hearing room, the streaming or broadcasting from the hearing room of the proceedings by social media, telephone, radio or television, or the recording of the proceedings for non-official use, or for later release or broadcast to the general public, shall not be permitted.
- 4. Order of the Hearing.
  - a. The Hearing Officer will ask the members of the University Hearing Board, the Respondent and the Respondent's advisor to introduce themselves.
  - b. The Hearing Officer shall read the charge(s) to the Respondent, and the Respondent shall state whether they accept responsibility for each charge.

- i. In the absence of a response, the Respondent shall be deemed not to have accepted responsibility for the charge(s).
  - ii. If the Respondent does not accept responsibility for the charge(s), evidence, witness testimony, and/or witness statements shall be presented that will support or refute the charge.
  - iii. If the Respondent accepts responsibility for the charge(s), evidence, testimony, and/or witness statements shall be presented that will assist the University Hearing Board in assigning an appropriate sanction.
- c. The Hearing Officer reminds all parties that the burden of proof shall be *preponderance of evidence*, meaning that in order to find the Respondent responsible, the University Hearing Board must find, based on a preponderance of the evidence presented at the hearing, that the Respondent is responsible for the violation charged.
  - d. The Respondent shall be provided an opportunity to make an opening statement.
  - e. The Members of the University Hearing Board shall direct the Hearing Officer to call witnesses and/or present evidence and witness statements.
  - f. The Respondent shall have the opportunity to testify, present evidence, and call witnesses.
  - g. Members of the University Hearing Board shall have a final opportunity to ask questions of the Respondent.
  - h. The Respondent shall be given the opportunity to make a closing statement to the University Hearing Board.
  - i. The Hearing Officer shall excuse all parties and witnesses so that the members of the University Hearing Board may deliberate in private.
  - j. After deliberations are completed, the hearing will reconvene and the Hearing Officer will read the decision of the University Hearing Board and any sanctions if applicable.
  - k. The Hearing Officer will provide information related to notification of the decision and appeal information.
  - l. The Hearing Officer will adjourn the hearing.
5. Procedure for Oral Testimony. The following procedures shall apply to all oral testimony presented at the hearing:
- a. Witnesses shall testify under oath or affirmation.
  - b. The members of the University Hearing Board shall be given the opportunity to ask questions of the witness.
  - c. The Hearing Officer will ask questions submitted by the Respondent under procedures outlined in Article VI of the Standards of Student Conduct.

- d. The Members of the University Hearing Board shall have the opportunity to ask questions of the witness.
  - e. The Respondent shall have the opportunity to submit follow-up questions for the witness to the Hearing Officer. The Hearing Officer will ask questions for the witness under the procedures outlined in Article VI of the Standards of Student Conduct.
6. Procedure for Other Evidence and Witness Statements. The following procedures shall apply to all documentary or other evidence presented at the hearing:
- a. Evidence submitted by the Conduct Officer, and/or Respondent will be permitted at the sole discretion of the Hearing Officer.
  - b. Written statements of witnesses who cannot attend the hearing must be submitted in advance as outlined in the Standards of Student Conduct.
  - c. If the Hearing Officer permits evidence or witness statements, six (6) copies should be provided for distribution as outlined in Article VII (C)(2)(c) of the Standards of Student Conduct
7. Deliberation of the University Hearing Board.
- a. The members of the University Hearing Board shall deliberate in private and reach a decision based only upon the evidence introduced at the hearing. The Hearing Officer is present during the deliberation, but does not have a vote.
  - b. The members of University Hearing Board shall not make any finding of fact that is not supported by the evidence presented at the hearing.
  - c. If two or more University Hearing Board members find the Respondent responsible for a charge, the student is “responsible” for that charge.
  - d. If the Respondent is found responsible, the recommended sanction shall be chosen generally from those listed in Article VIII of the Standards of Student Conduct.
  - e. The Hearing Officer shall write a brief statement outlining the rationale for the decision and sanction after the University Hearing Board has reached its decision. The members of the University Hearing Board shall sign the statement, and the statement will be placed in the case file.

## **ARTICLE VIII: SANCTIONS**

- A. *List of Possible Sanctions.* Violations of prohibited conduct as outlined in Article III of the Standards of Student Conduct may result in one or more of the following disciplinary sanctions. Additional sanctions, if any, are listed in the handbooks or official announcements of the School or College concerned.

Following a determination of responsibility by a Student Conduct Board as outlined in Articles V and VI, the board will impose sanctions from the following:

1. Disciplinary Warning. A written notice that a continuation or repetition of prohibited conduct, within a specified period of time, will be grounds for more serious disciplinary action.
  2. Residential Housing Probation. Action permitting the student to remain in residence on probationary status. During the period of probation, if the student is found responsible for additional violations, the student may be evicted from on-campus housing.
  3. Conduct Probation. Action permitting the student to remain at the University on probationary status. During the period of probation, if the student is found responsible for further violations, the student may be subject to suspension, dismissal, or separation from the University.
  4. Housing Relocation. Serious housing matters or repeated violations of University policy may result in relocation from one housing area to another.
  5. Housing Eviction. Serious housing matters or repeated violations of University policy may result in removal from University housing.
  6. Suspension. A forced, temporary leave from the University. The time period of a suspension is typically a semester or a full academic year, but can be set for any duration by the Conduct Officer or Student Conduct Board.
  7. Separation. Immediate and permanent separation from the University. A student who is separated from the University is not eligible for readmission, and is typically barred from University events, activities, and property.
- B. *List of Additional Sanctions*. A Student Conduct Board may also impose additional sanctions to the disciplinary sanctions listed in VIII (A). Additional sanctions include, but are not limited to, the following:
1. Community Service. An assignment to perform a task or service for the University or a University sponsored organization.
  2. Fine/Restitution. Reimbursement for damage to, destruction of, or misappropriation of property, to include but not limited to personal and medical reimbursement.
  3. Revocation of Privilege. Including, but not limited to, registered events, using University dining facilities, having an automobile on campus, and/or access to other University facilities. In serious matters, a student may have additional privileges revoked during and/or while University charges are being processed through the University conduct system.
  4. Notification of parents/guardians if deemed appropriate.
  5. No Contact. An order to have no contact in any form with an identified student or students.

- C. *Multiple Sanctions.* More than one of the sanctions listed above may be imposed for any single violation.
- D. *Record Keeping.* Except as described in Article VIII (E), below, disciplinary sanctions shall not be noted on the student's permanent academic transcript, but shall become part of the student's conduct record.
  - 1. A student found responsible of a violation of prohibited conduct as outlined in Article III (B) of the Standards of Student Conduct will have an "active" conduct file until graduation, at which time the file becomes "inactive." In the event that a student is on "conduct probation" at the time of their graduation, the student's conduct file will remain "active" for one year following the student's graduation. Conduct records may remain "active" indefinitely at the discretion of the Vice President for Student Development or their designee.
  - 2. A student's disciplinary record must be maintained for a minimum period of seven (7) years after the student's graduation. After that period, the student's disciplinary record will be destroyed. Conduct records may be maintained indefinitely at the discretion of the Vice President for Student Development or their designee.
- E. *Transcript Notation.*
  - 1. Suspension or Permanent Separation. Generally, a student's suspension or permanent separation from the University will be noted on the student's academic transcript. Except for those conduct violations described in Article VIII(E)(2), the transcript notation shall not specifically reference a violation of the Standards of Student Conduct.
  - 2. Suspension, Separation or Withdrawal for Certain Violations of the Standards of Student Conduct. The University is required by Virginia law to include a prominent notation on the academic transcript of each student who has been suspended for, permanently separated for, or withdraws while under investigation for a violation of the Standards of Student Conduct involving sexual violence, as defined in the Sexual Misconduct Policy.

## **ARTICLE IX: APPEALS**

- A. *Right to Appeal.* The Respondent shall have the right to appeal the decision of the Student Conduct Board to the appropriate Appellate Administrator. In hearings that involved a violation of the University's Sexual Misconduct Policy, the Complainant also has the right to appeal the decision of the University Hearing Board.
- B. *Time for Filing Appeal.* An appeal must be received by the designated Appellate Administrator in writing (a document as an email attachment is acceptable) by 5:00 PM on the fifth business day after delivery of the written notification of the

finding of the Student Conduct Board. The Presiding Officer of the Student Conduct Board may extend the time frame for submitting an appeal, at their sole discretion, for good cause upon written notice to the Respondent, and the Complainant (where appropriate) setting forth the reason for the extension.

- C. *Time for Deciding Appeal.* The decision on a request for an appeal shall be made within thirty (30) days of the receipt of the appeal, unless there is good cause for a reasonable extension of this time period. In which event, the Appellate Administrator shall provide written notice to the Respondent, and, where applicable, the Complainant, setting forth the reason for the extension.
- D. *Review Board.* The Appellate Administrator, at their sole discretion, may seek the advice and counsel of a Review Board.
  - 1. The review board shall consist of two members of the Student Conduct Board who were not involved in the original hearing.
  - 2. The review board does not hold a new hearing. If the review board determines that an appeal is upheld, the Appellate Administrator shall determine a remedy as prescribed in Article IX (F) of the Standards of Student Conduct.
  - 3. The final decision rests with the Appellate Administrator.
- E. *Grounds for Appeal.* An appeal shall be granted to the person filing if the Appellate Administrator finds, by clear and convincing evidence that one or more of the following occurred:
  - 1. A witness at the Student Conduct Board hearing lied and the testimony was both material and adverse to the appealing party.
  - 2. New evidence of a material nature is available that was not available at the time of the Student Conduct Board hearing, unless such evidence was or could have been available prior to or at the time of the Student Conduct Board hearing.
  - 3. The Student Conduct Board hearing was conducted in a manner materially inconsistent with the Standards of Student Conduct and the written procedures of such Student Conduct Board.
  - 4. The sanction(s) determined by the Student Conduct Board was disproportionate to the findings.
- F. *Remedies.* If an appeal is granted, the Appellate Administrator may determine the appropriate remedy at their sole discretion from the following:
  - 1. The case may be remanded to the original Student Conduct Board for reconsideration of the finding or responsibility and/or the sanction(s), in which event, the Student Conduct Board may: (a) consider any evidence presented at the original hearing; (b) at the direction of the Appellate Administrator, disregard evidence presented at the original hearing;; and/or

- (c) at the direction of the Appellate Administrator, consider new evidence that was not available and could not have been available prior to or at the time of the original hearing;
2. The case may be remanded to a new Student Conduct Board for a hearing;
  3. The sanction(s) may be dismissed, amended, or revised; or
  4. The Appellate Administrator may take such other action as is appropriate to remedy the issue upon which the appeal was granted in a fair and equitable manner.
- G. *Notice of Outcome.* Upon reaching a decision on a request for an appeal, the Appellate Administrator shall provide written notification of their decision to the Respondent, the Complainant (if applicable), and to the Chair of the original Student Conduct Board.
1. The written notification of the appeal decision should include:
    - a. The grounds for request for appeal as outlined in Article IX (E) of the Standards of Student Conduct;
    - b. A description of the pertinent points the Appellate Administrator considered in rendering a decision;
    - c. The Appellate Administrator's decision on the request for appeal; and
    - d. Any remedy or prescribed action if applicable.

## **ARTICLE X: INTERPRETATION AND REVISION**

- A. The Vice President for Student Development has the final authority to interpret and apply Standards of Student Conduct.
- B. The Standards of Student Conduct shall be reviewed annually under the direction of the Student Conduct Administrator.