

## Statement of Purpose

The mission of the University of Richmond is to educate in an academically challenging, intellectually vibrant, and collaborative community dedicated to the holistic development of students and the production of scholarly and creative work. A Richmond education prepares students for lives of purpose, thoughtful inquiry, and responsible leadership in a diverse world.

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.

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.

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.

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## Article I: Definitions

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- 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.
- 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 or persons authorized on an on-going or a case-by-case basis by the Vice President for Student Development to: (i) charge a student with a violation of the Standards of Student Conduct; (ii) conduct preliminary hearings; and (iii) impose sanctions upon any student(s) who accept(s) responsibility for a violation of the Standards of Student Conduct. Conduct Officers of the rank of Dean are empowered to impose a sanction of suspension, to issue No Contact Orders, and to impose Interim Suspensions.
- 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 or persons 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. In the case of a hearing involving an alleged violation of the University’s Policy Prohibiting Sexual Misconduct, the Hearing Officer shall not be an employee of the University.
- K. *Hearing Officer for Specific Matters Involving the University’s Policy Prohibiting Sexual Misconduct.* The term “Hearing Officer” means any person or persons authorized on an on-going or a case-by-case basis by the Vice President for Student Development to conduct the hearing process on behalf of the University Hearing Board. The Hearing Officer is considered a non-voting member of the University Hearing Board. The Hearing Officer shall not be an employee of the University.
- L. *May.* The term “may” is used in the permissive sense.
- M. *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.
- N. *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.

- O. *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).
- P. *Organization.* The term “organization” or “organizations” means any number of persons who have complied with the formal requirements for University recognition and registration.
- Q. *Presiding Officer.* The term “Presiding Officer” means the Advisor of the Student Conduct Council or the Hearing Officer of the University Hearing Board.
- R. *Public Property.* The term “public property” means streets, sidewalks, or parking facilities within the campus or immediately adjacent to and accessible from campus.
- S. *Respondent.* The term “Respondent” means any student charged with violating the Standards of Student Conduct or a University policy.
- T. *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.
- U. *Shall.* The term “shall” is used in the mandatory sense.
- V. *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.
- W. *Student Conduct Administrator.* The term “Student Conduct Administrator” means any person authorized by the Vice President for Student Development to follow the Standards of Student Conduct in determining the appropriate Conduct Officer, Presiding Officer, or Conduct Board authorized to hear each matter.
- X. *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, students, or a student 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 Council and the University Hearing Board.
- Y. *Student Conduct Council.* The term “University of Richmond Student Conduct Council” or “Student Conduct Council” means a specific Student Conduct Board comprised of students specially selected and trained by the University.
- Z. *University.* The term “University” means “University of Richmond”.
- AA. *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.
- BB. *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.
- CC. *University Policy.* The term “University policy” means any policy, rule, or regulation of the University.
- DD. *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**

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- 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

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### 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 or organizations 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.

For matters involving sexual harassment under Title IX covered by the University's Policy Preventing Sexual Misconduct, jurisdiction is limited to conduct that has occurred within the University's education program or activity which includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University. Title IX actions involve conduct that has occurred within the United States only.

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. Students who have accepted admittance to the University but have not yet enrolled are expected to comport themselves according to the Standards. 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 Policy on Preventing and Responding to Discrimination and Harassment Against Students.
- b. Conduct not reflective of the University's Values (<https://president.richmond.edu/university/mission.html>).
- c. Violation of the University's Policy Prohibiting Sexual Misconduct.
  - i. Sexual Harassment
  - ii. Sexual Assault
  - iii. Stalking
  - iv. Dating Violence
  - v. Domestic Violence
  - vi. Sexual Exploitation
- d. Violation of the University's Hazing Policy.
- e. Violation of the University's Retaliation Policy.
- f. Violation of rules and regulations including those pertaining to the University's Alcohol, Tobacco & Other Drug Policy. Students charged through the student conduct system for alcohol violations and found responsible will be issued sanctions as outlined in the University's Alcohol, Tobacco & Other Drug 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.
  - x. Purchase, possession, or consumption of tobacco products, nicotine vapor products, and/or alternative nicotine products under the age of 21.
  - xi. Contribution of alcohol to a person under the age of 21.
- g. Violation of University policies or College rules or regulations including, but not limited to, those governing University housing.
- h. Failure to comply with or respond truthfully to reasonable requests of any Residence Life & Housing (RLH) or other University official when acting in the performance of their duties, administrative instructions, or deadlines, including but not limited to the following:
  - i. Being verbally abusive or argumentative with an RLH or other University official;
  - ii. Failure to leave premises when asked by an RLH or other University official;

- iii. Attempts to bribe an RLH or other University official;
- iv. Giving false, misleading, or partially truthful information to an RLH or other University official;
- v. Interference or disruption with processes including but not limited to attempts to influence, intimidate or threaten.
- i. Failure to present proper identification upon request by a University official.
- j. Lying or intentionally misleading University officials performing their assigned duties. Lying includes knowing misrepresentations or material omissions.
- k. Failure to comply with the direction of, and/or interfering with, a University official acting in the authorized performance of duty.
- l. Failure to comply with University health and safety guidelines or policies.
- m. Violation of the University's Information Services policies.
- n. Violation of the University's Gambling Policy.
- o. 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.
- p. Violation of a "No Contact Order" issued by a University official.
- q. Inciting others to commit prohibited acts of the kinds herein prohibited.

7. Use of Recorded Material.

Classes may be recorded and faculty may prepare video recordings of lectures or teaching segments. Recordings of any type will be made available only to students registered for the course and should be used only for personal study by students enrolled in the course.

- a. Students shall not disclose, share, trade, or sell these recordings with/to any other person, organization, business, or institution.
- b. Students shall not post/store these recordings in a location accessible by anyone other than the student, including but not limited to social media accounts.
- c. Students must comply with any instructions or directions from their faculty regarding the use of such recordings.
- d. Students are required to destroy any recordings that were made when they are no longer needed for the student's academic work.

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).



D. *Exceptions.*

1. If a student is charged with an alleged violation of the *Standards of Student Conduct* outlined in section C above, the University will not pursue a conduct charge against the student if they are rendering urgent or emerging assistance to someone in medical (psychological, psychiatric, or physical) distress.
2. If a student is charged with an alleged violation of the *Standards of Student Conduct* outlined in section C above, the University will not pursue a conduct charge against the student if they are rendering urgent or emerging assistance to someone who may have experienced sexual misconduct.

## Article IV: Reporting, Charge, Preliminary Hearing, and Interim Suspension

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[Please see **Appendix A** for specific reporting and emergency removal procedures for matters involving the University's Policy Prohibiting Sexual Misconduct.]

### 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, the Student Conduct Administrator shall determine whether there has been any preliminary investigation or inquiry into the facts underlying the complaint (for example, by the University of Richmond Police Department).
  - a. If there has been a preliminary inquiry or investigation, the Student Conduct Administrator shall review the findings of that inquiry or investigation to determine whether a preliminary charge under the Standards of Student Conduct is warranted. The Student Conduct Administrator, at their sole discretion, may conduct a follow-up investigation in order to gain sufficient information to determine whether a preliminary charge is warranted.
  - b. In the process of assessing whether a preliminary charge is warranted, the Student Conduct Administrator, at their sole discretion, may seek the advice and counsel of individuals not involved in the potential hearing process. These individuals include but are not limited to University Police, University Counsel, and other administrators.
2. The Student Conduct Administrator shall assign the complaint to the appropriate Conduct Officer. The Student Conduct Administrator shall share the preliminary charges and the findings of any inquiries or investigations conducted to that point with the Conduct Officer.
  - a. A complaint that may require the imposition of a No Contact Order and/or Interim Suspension, result in suspension of the Respondent as a possible sanction, or would result in a referral to the University Hearing Board shall be assigned to a Dean.
  - b. A complaint that involves students living in off-campus residences shall be referred to a Conduct Officer with the rank of Dean.
  - c. The Conduct Officer, at their sole discretion, may conduct follow-up or additional investigation in order to gain sufficient information to determine if the specific preliminary charges are appropriate or if additional charges are warranted.
    - i. In the process of determining appropriate and specific charges, the Conduct Officer, at their sole discretion, may seek the advice and counsel of individuals not involved in the potential hearing process. These individuals include but are not limited to University Police, University Counsel, and other administrators.
  - d. The final decision on whether a formal charge under the Standards of Student Conduct is warranted rests with the Conduct Officer. The Conduct Officer, at their discretion, may seek advice and counsel in the determination of formal charges.
    - i. Conduct Officers with the rank of Area Coordinator shall consult with a Dean of the respondent's College.
    - ii. Conduct Officers with the rank of Dean shall consult with the respondent's College Dean.

- iii. A complaint shall be reassigned from a Conduct Officer with the rank of Area Coordinator to a Conduct Officer with the rank of Dean if, in the process of determining appropriate and specific charges, the complaint may require: (a) the imposition of a No Contact Order, (b) an Interim Suspension, (c) the suspension of the Respondent as a possible sanction, and/or (d) the decision of the Respondent as outlined in Article IV (C)(2) would result in a referral to the University Hearing Board.
  - e. In determining whether to formally charge a student with a violation of the Standards of Student Conduct, the Conduct Officer will consider whether the results of the investigation provide sufficient facts and evidence upon which a reasonable decision-maker could find, by a preponderance of the evidence, that the Respondent violated the Standards of Student Conduct. However, the decision to initiate a conduct or other disciplinary proceeding is not a final determination of responsibility and will not be used as evidence in any subsequent hearing or proceeding.
- C. *Preliminary Hearing.*
- 1. The Conduct Officer shall notify the Respondent of the charge(s) and date of the preliminary hearing in writing and request the attendance of the Respondent at that hearing. During the preliminary hearing, the Conduct Officer shall:
    - a. Provide the Respondent with a copy of Article V of the Standards of Student Conduct as appropriate;
    - b. Review the complaint filed against the Respondent;
    - c. Explain the charge(s) and any associated policy or policies; and
    - d. Review the options available for resolution of the charge(s), 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 their 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. In limited circumstances, the matter will be referred to the Presiding Officer of the appropriate Student Conduct Board for an administrative hearing to determine the appropriate sanction.
    - 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.
    - c. The Conduct Officer may conclude that there is insufficient evidence to warrant a charge, or that a student was not present or involved in the alleged violation.
      - i. If the conclusion is that there is insufficient evidence to warrant a charge, the Respondent will be found Not Responsible for the charge.
      - ii. If the conclusion is that the Respondent was not present or involved in the alleged violation, the Respondent will be found Not Responsible/Charges Unfounded for the charge.
  - 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. The respondent will be notified in writing of the determination of the Conduct Officer and any possible sanctions.
- b. The Conduct Officer at their discretion can extend this deadline up to seventy-two (72) hours, with good cause.
  - i. If the Respondent does not advise the Conduct Officer in writing of their choice within seventy-two 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. The respondent will be notified in writing of the determination of the Conduct Officer and any possible sanctions.

4. Referral to Student Conduct Board.

- a. 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.

D. *Interim Suspension and Class Removal.*

1. In certain circumstances a University or housing "interim" suspension may be imposed. Interim suspensions shall be imposed by a Conduct Officer with the rank of Dean, the Vice President of Student Development in their role as Chair of the Threat Assessment Team, or by the Title IX Coordinator, on their own accord or after consultation with other University officials.
2. An interim suspension may be imposed when there is 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.
3. During the period of 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 party who imposed the interim suspension. The Respondent is not permitted on the campus without the prior written consent from the party who imposed the interim suspension.

Such interim suspension, if imposed, shall be in addition to any other interim remedial measures, such as No Contact Orders, put into place by University officials, including the Title IX Coordinator. The interim suspension does not replace the regular hearing and appeal process, which shall proceed on the normal schedule. Unless provided with explicit, written permission for an exception in advance, as above, 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.

4. A Respondent may be denied attendance in a specific class if there is 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.
5. See **Appendix A** for information regarding emergency removals in connection with alleged violations of the University's Policy Prohibiting Sexual Misconduct.

## Article V: Student Rights and Responsibilities

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[Please see **Appendix A** for specific rights and responsibilities for matters involving the University's Policy Prohibiting Sexual Misconduct.]

- 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 them.
  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 or their designee 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 Presiding Officer of 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 Presiding Officer of the Student Conduct Board identifies an additional witness or witnesses, who were previously unknown to the Presiding Officer of the 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 Presiding Officer of the Student Conduct Board identifies an additional witness or witnesses, who were previously unknown to the Presiding Officer of the 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 Presiding Officer of the 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 Presiding Officer of the Student Conduct Board intends to present at the hearing at least twenty-four (24) hours prior to commencement of the hearing. If the Presiding Officer of the Student Conduct Board identifies additional documentary evidence previously unknown to the Presiding Officer of the 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 Presiding Officer of the 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 their 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 VIII of the Standards of Student Conduct.

## Article VI: Student Conduct Board Procedures

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[Please see **Appendix A** for specific conduct board procedures for matters involving the University's Policy Prohibiting Sexual Misconduct.]

- A. *Procedures Applicable to all Student Conduct Board Hearings.* The following procedures will apply to all Student Conduct Board hearings. Specific rules and guidelines for the University of Richmond Student Conduct Council are outlined in the Statutes of the Council.
1. In situations where more than one student is accused of violating Article III of the Standards of Student Conduct, the Presiding Officer, 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. Admission of any person not directly connected to the hearing shall be at the sole discretion of the Presiding Officer.
  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 audio 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.* The University Hearing Board is charged with the disposition of charges as outlined in Article IV (C)(2)(a)(ii) and Article IV (C)(2)(b) 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 themselves 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 or their designee 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 (24) 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 themselves 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 themselves 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 present evidence and call witnesses.
  - g. Members of the University Hearing Board shall have the 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 VI (B)(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. In evaluation of the sanction(s), the University Hearing Board shall consult with any sanctioning guidelines implemented by the University and, in cases involving a violation of the University’s Policy Prohibiting Sexual Misconduct, past precedent in similar cases.
  - 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 VII: Sanctions

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[Please see **Appendix A** for specific sanctions for matters involving the University's Policy Prohibiting Sexual Misconduct.]

- 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 will be grounds for more serious disciplinary action.
  2. University 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 University 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. Students are prohibited from studying abroad in any semester for which they are on conduct probation for all or part of the semester.
  4. Housing Relocation. Serious housing matters or repeated violations of University policy may result in relocation from one University 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. A suspension shall only be imposed by a Conduct Officer with a rank of Dean or by a 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. Separation shall only be imposed by a Conduct Officer with a rank of Dean or by the University Hearing Board.
- B. *List of Additional Sanctions and Remedies.* A Student Conduct Board may also impose additional sanctions and remedies to the disciplinary sanctions listed in VII (A). Additional sanctions and remedies 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. No Contact Order. An order to have no contact in any form with an identified student or students. No Contact Orders are bilateral to protect all parties involved, and are issued by either the Title IX office or by the College Deans' Offices.
  4. Notification of parents/guardians by the College Dean or their designee if deemed appropriate.
  5. No Trespass Order. An order banning a student from specific buildings, portions of the campus, or from the entire campus or off-campus buildings or property. No Trespass Orders may be recommended by a Conduct Officer, a Student Conduct Board, the Chair of the Threat Assessment Team, or by the Title IX Coordinator. No Trespass Orders shall be imposed and enforced by the University of Richmond Police Department.

6. 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.
  7. Substance Abuse Education. Alcohol or other drug prevention program designed to assist students with making safe and healthier choices regarding their substance use.
- C. *Multiple Sanctions*. More than one of the sanctions listed above may be imposed for any single violation.
- D. *Open Charges*. Charges are considered open until all sanctions, including suspensions, are completed. When a student has completed all of the sanctions assigned to them, and/or when their period of probation has ended, the student shall be considered to be in good standing.
- E. *Record Retention*. Except as described in Article VII (F), 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's conduct record shall consist of a sanction record and a conduct file. In cases that do not involve a sanction of suspension or permanent separation, the sanction record and conduct case file shall be maintained for a minimum period of seven (7) years after the student's graduation. In cases that do involve a sanction of suspension or permanent separation, the sanction record shall be maintained permanently and the conduct case file shall be maintained for a minimum period of seven (7) years after the student's graduation. Following the seven-year retention period, the student's conduct case file and, for sanctions other than suspension or permanent separation, the sanction record will be purged from the University's records in accordance with the University's record retention policy. The University may retain student conduct files and documentation of sanctions beyond the seven-year retention period when the University determines that such retention is necessary to meet the University's legal or operational needs.
  2. A student's conduct file is subject to disclosure to any University department with an educational need to know or outside agency with written permission from the student.
- F. *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 while the suspension is in effect. Except for those conduct violations described in Article VII(F)(2), the transcript notation shall not specifically reference a violation of the Standards of Student Conduct.
    - a. A student who is suspended shall not participate in any University-sponsored activity.
  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 University's Policy Prohibiting Sexual Misconduct. This transcript notation will be removed if the student is subsequently found not to have committed an offense involving sexual violence or if the student completes the terms of their suspension and is determined to be in good standing according to applicable University policy. Consistent with state law and federal regulations, the notation will be removed from a transcript after three years for a student that withdraws while under investigation or is permanently dismissed from the University.

## Article VIII: Appeals

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[Please see **Appendix A** for specific appeal procedures for matters involving the University's Policy Prohibiting Sexual Misconduct.]

- 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 Policy Prohibiting Sexual Misconduct, 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. *Access to Hearing Record.* The party filing the appeal shall be provided with reasonable access to the hearing record in the hearing from which the appeal is taken.
- D. *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. If an extension is deemed appropriate, the Appellate Administrator shall provide written notice to the Respondent, and, where applicable, the Complainant, setting forth the reason for the extension.
- E. *Review Board.*
  1. Matters Not Involving the University's Policy Prohibiting Sexual Misconduct.
    - a. The Appellate Administrator, at their sole discretion, may seek the advice and counsel of a Review Board. The final decision, however, rests with the Appellate Administrator.
    - b. The review board shall consist of two members of the appropriate Student Conduct Board membership who were not involved in the original hearing.
    - c. The Appellate Administrator does not hold a new hearing.
    - d. If the Appellate Administrator finds grounds to grant an appeal, the Appellate Administrator shall determine a remedy as prescribed in Article IX (F) of the Standards of Student Conduct.
  2. Matters Involving the University's Policy Prohibiting Sexual Misconduct.
    - a. The Appellate Administrator shall convene a Review Board comprised of two members of the University Hearing Board who were not involved in the original hearing. The Appellate Administrator shall be also be a voting member of the Review Board.
    - b. The Review Board does not hold a new hearing. The decision of the Review Board shall be made by majority vote.
    - c. If the Review Board finds grounds to grant an appeal, the Review Board shall determine a remedy as prescribed in Article VIII (F) of the Standards of Student Conduct.

- F. *Grounds for Appeal.* An appeal shall be granted to the person filing if the Appellate Administrator or Review Board 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.
- G. *Remedies.* If an appeal is granted, the Appellate Administrator or Review Board 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 or Review Board 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 VIII (E) of the Standards of Student Conduct;
    - b. A description of the pertinent points the Appellate Administrator or Review Board considered in rendering a decision;
    - c. The decision of the Appellate Administrator or Review Board on the request for appeal; and
    - d. Any remedy or prescribed action if applicable.

## Article IX: Interpretation and Revision

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- 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 Vice President for Student Development or their designee.

## Appendix A

# Procedures Specific to Matters Involving the University's Policy Prohibiting Sexual Misconduct

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The procedures, rights, and responsibilities set forth in this Appendix shall apply to all grievance procedures in which the Respondent is charged with a violation of the University's Policy Prohibiting Sexual Misconduct. These procedures, rights, and responsibilities shall apply to all hearings in which at least one charge involves an alleged violation of the University's Policy Prohibiting Sexual Misconduct. The University shall respond to allegations of sexual misconduct in a prompt and equitable manner. The University shall complete the grievance process in a timely manner designed to provide all parties with a resolution. 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.

### Section 1: Student Rights and Responsibilities

The Respondent and Complainant shall be afforded the following rights and responsibilities throughout the grievance process:

- A. Rules and Procedures. The Respondent and Complainant have the right to a written notice, upon the filing of a formal complaint that includes notice of the following:
  1. A description of the University's grievance process as well as the University's mediation process.
  2. The allegations of conduct potentially constituting sexual misconduct under the University's Policy Prohibiting Sexual Misconduct including information on the identities of the parties involved in the incident(s), if known, and the date and location of the incident(s), if known.
  3. The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process
  4. Any subsequent allegations not included in the original notice.
  5. A dismissal by the University of the formal complaint including reasons for the dismissal.
  6. That pursuant to the University's Policy Prohibiting Retaliation making a report "in good faith" means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of applicable laws or regulations or University policies or that there is a reasonable possibility that such a violation may occur in the near future. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.
- B. Advisors. The Respondent and Complainant have a right to the services of an advisor of their choice. The advisor may be an attorney. Advisors may attend any related meetings, proceedings, investigative interviews and/or hearing with the respective parties.
  1. During the outreach and investigative phase, the role of the advisor is to provide support, guidance, and advice to the respective parties. The Respondent and Complainant are responsible for presenting their own information. The advisor may not reach out to the opposing party or opposing party's witnesses to ask questions or gather information on behalf of the respective party.
  2. During a hearing before a University Hearing Board, the advisor, in addition to offering advice and guidance, will conduct cross-examination of all parties and witnesses on behalf of the respective party. An advisor may also request a brief recess of the proceedings to provide advice to the respective party.
  3. The Respondent and Complainant 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. Choosing an advisor who is also a witness in the process creates a potential for bias and conflict of interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the University Hearing Board.
  5. If the Respondent or the Complainant do not have an advisor to conduct cross examination at a hearing before a University Hearing Board, the University will provide an advisor of its choice, at no cost or fee to the respective party, to conduct cross examination on the respective party's behalf.
- C. Right Not to Participate. The Respondent and the Complainant have the right to not participate in any meetings, proceedings, interviews or hearing. The University Hearing Board cannot draw an inference about the determination regarding responsibility based solely on the party's presence at a hearing or refusal to submit to cross examination.
- D. Investigation. The Respondent and Complainant have the following rights involving an investigation of a formal complaint:
1. The right to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
  2. The ability to discuss the allegations under investigation and to gather and present relevant evidence.
  3. Written notice of the date, time, location, participants and purpose of all investigative interviews or other meetings with sufficient time to prepare to participate.
  4. An opportunity to inspect and review any evidence that is obtained as part of the investigation and that is directly related to the allegations, including evidence that the University does not intend to rely on in reaching a determination regarding responsibility including both inculpatory or exculpatory evidence. Neither the Respondent, Complainant nor their respective advisors have a right to reproduce the evidence in any manner.
  5. The Respondent and Complainant will have 10 business days after receipt of the above referenced evidence to submit a written response which the investigator will consider prior to completion of the investigative report.
  6. The University will provide the Respondent, the Complainant and their respective advisors with a complete investigative report that fairly summarizes relevant evidence at least 10 business days prior to a hearing by the University Hearing Board for review. Neither the Respondent, the Complainant nor their respective advisor will have the right to reproduce the investigative report in any manner.
  7. The Complainant and Respondent have the right to provide the Hearing Officer or their designee with their respective objections to the Title IX investigative report prior to the hearing to be included in the hearing record. The Complainant and Respondent shall provide the University Hearing Board with their respective objections to the Title IX investigative report, if any, by 5:00 pm on the third (3rd) business day before the hearing.
- E. Hearing. The Respondent and Complainant have the right to a hearing conducted in accordance with the procedures set forth in Appendix A of the Standards of Student Conduct.
- F. Notice of Hearing: The Hearing Officer of the University Hearing Board or their designee shall prepare and simultaneously deliver to the Respondent and Complainant a notice of hearing. Such notice may be delivered to the Respondent and Complainant in person, by electronic mail, by U.S. Mail, or by campus mail. The date of the hearing shall not be less than seven (7) business days from the date of such notice. The time frame for conducting the hearing may be extended by the Hearing Officer, for good cause and upon written notice to the Respondent and Complainant setting forth the reason for the extension. The notice of hearing shall include:
1. The name of the Respondent and Complainant.
  2. The date, time, and location of the University Hearing Board hearing.
  3. The alleged violations of Article III (B) (5) of the Standards of Student Conduct.
  4. The date and place of the alleged violation(s) (if known)
  5. The name of the Hearing Officer of the University Hearing Board

6. The names and administrative titles of the voting members of the University Hearing Board.
- G. Bias or Conflict of Interest on the Part of University Hearing Board Members. The Respondent and Complainant have the right to petition that any member of the University Hearing Board be removed on the basis of conflict of interest or bias for or against respondents or complainants generally or the individual Respondent or Complainant.
1. The party must submit a written petition to the Hearing Officer or their designee at least four (4) business days prior to the scheduled hearing seeking removal of a member of the University Hearing Board and stating the reasons for such request.
  2. The Hearing Officer or their designee shall respond to such request, in writing, within two (2) business days of receipt of the request.
- H. Witnesses
1. *Witness List.* The Respondent and Complainant have the right to call expert and/or fact witnesses at the hearing whose testimony is relevant to the issues before the University Hearing Board and provided the list of such witnesses is submitted to the Hearing Officer as specified in Appendix A, Section 2 (B) (1) of the Standards of Student Conduct. The parties have the right to access the list of witnesses that the University Hearing Board and/or the other party intend to call at a University Hearing Board hearing.
  2. *Character Witnesses.* The Complainant and Respondent may provide written statements to be included as part of the hearing record for no more than two (2) character witnesses. Character witnesses will not be called to testify at the hearing. Any character witness statement provided will be available for the other party and University Hearing Board to review. The parties shall not copy, reproduce, disseminate or disclose to anyone other than their advisor any such witness statements. Character witness statements must be submitted to the Hearing Officer or their designee by 5:00 pm on the fourth (4<sup>th</sup>) business day before the hearing.
  3. *Documentary, Electronic and Other Evidence.* The Respondent and Complainant have the right to offer documentary, electronic, and other evidence that is relevant to the issues before the University Hearing Board. Subject to applicable privacy laws, including FERPA, the Respondent and Complainant have the right to review, but not copy, all documentary, electronic, and other evidence that the University Hearing Board and/or the other party intends to present at the hearing. In order to ensure the confidentiality of the hearing and to protect the privacy rights of the Respondent, Complainant, and other witnesses, the parties shall not copy, reproduce, disseminate or disclose to anyone other than their respective advisor any such documentary, electronic, or other evidence and shall return such evidence to the Hearing Officer at the conclusion of the hearing.
- I. Attendance at the Hearing. The Respondent and the Complainant and their respective advisor have the right to attend the entire University Hearing Board hearing except for the deliberations of the University Hearing Board and the verbal notification of the outcome by the Hearing Officer to the other party.
- J. Questions for Cross-Examination. The Respondent's and Complainant's respective advisors have the right to cross examine the other party and any witnesses who give oral testimony at the hearing with relevant questions including those that challenge credibility. Before a party or witness answers any question, the Hearing Board will make a determination of the question's relevancy and will explain any decision to exclude a question as not relevant. The University Hearing Board shall protect witnesses, including the parties from improper or irrelevant questions, insulting treatment and unnecessary or irrelevant inquiry into private affairs. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern specific incidents of the Complainant's prior sexual

behavior with the Respondent and are offered to prove consent. Where appropriate, the Respondent or 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.

- K. Right to a Live Hearing. At the request of either party or the discretion of the Title IX Coordinator, the live hearing may occur with the parties in separate rooms with technology enabling the Hearing Officer, Hearing Board and parties to simultaneously see and hear the party and/or the witness answering questions.

- A. Failure to Attend. The Respondent, Complainant and their respective advisors have the right to attend the scheduled University Hearing Board hearing. If the Respondent or Complainant, fails to attend the hearing as scheduled, the University Hearing Board may proceed in the party's absence.

Any party or witness may choose not to offer evidence, answer questions or submit to cross-examination at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Hearing Board can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Hearing Board may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions. The University Hearing Board cannot draw an inference about the determination regarding responsibility based solely on the party's presence at a hearing or refusal to submit to cross examination.<sup>1</sup>

If a party's advisor fails to attend a hearing, the University will provide an advisor of its choice, at no cost to the party, to cross examine the other party and any witnesses at the hearing on behalf of the Respondent or Complainant. If a party's advisor fails to attend, the hearing will be recessed until such time that the University can provide an alternate advisor of the University's choice at no cost or fee to the party, in order to conduct cross examination on behalf of that party. If a party does not have an advisor for purposes of cross-examination or if a party knows their advisor will not be attending the hearing, the party shall notify the Title IX Coordinator ten (10) business days in advance of the hearing to request that the University to provide an advisor for purposes of cross-examination at the hearing.

- L. Notice of Outcome. The Respondent and Complainant have the right to written notice of the outcome and sanctions (if applicable) of the University Hearing Board including:
1. Identification of the allegations potentially constituting sexual harassment;
  2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews with the parties and witnesses, site visits (if any), methods used to gather evidence, and hearings held;
  3. Findings of fact supporting the determination;
  4. Conclusions regarding the application of the University's Policy Prohibiting Sexual Misconduct to the facts;
  5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
  6. A listing of all relevancy determinations made during the hearing;

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<sup>1</sup> This provision is effective as to any determination regarding responsibility rendered by the University Hearing Board on or after August 24, 2021. It replaces a provision in prior versions of these procedures that prohibited reliance on such statements. That provision was based on a regulatory requirement of the U.S. Department of Education that has since been vacated by a federal court and that is no longer enforced by the Office for Civil Rights. See Suzanne B. Goldberg, Acting Assistant Secretary for Civil Rights, U.S. Department of Education, "Letter to Students, Educators, and other Stakeholders re VICTIM RIGHTS LAW CENTER ET AL. V. CARDONA," p.1 (August 24, 2021).

7. Disciplinary sanctions (if any) imposed on the Respondent;
8. Remedies (if any) that will be provided to the Complainant designed to restore or preserve equal access to the University's education program or activity; and
9. A description of the procedures and bases for appeal.

The written notice outcome will be provided by 5:00 PM on the third (3<sup>rd</sup>) business day following the conclusion of the hearing. The Hearing Officer, at their discretion, can extend this timeline upon written notice to the parties setting forth the reason for the extension. The notice(s) described in this section shall be sent simultaneously to the Respondent and the Complainant.

- M. Privacy of the Respondent & Complainant. The Respondent and Complainant have the right to preservation of privacy to the extent reasonably possible and allowed by law. The parties have the right not to have irrelevant prior sexual or relationship history admitted as evidence in a University Hearing Board hearing.
1. The University will not access, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting or assisting in their professional capacity, and which are made and maintained in connection with the provision of treatment of the party, without voluntary, written consent from the respective party.
  2. The Respondent and Complainant have 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.
- N. Appeal. The Respondent and Complainant have the right to appeal the decision of the University Hearing Board in accordance with the standards for appeal established in Appendix A, Section 4.

## Section 2: Hearing Procedures

The University Hearing Board is charged with the disposition of charges as outlined in 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.

- A. Composition of the University Hearing Board. The University Hearing Board shall consist of the three (3) voting members and one alternate chosen from the University Hearing Board Pool.
1. 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 training on the definition of sexual harassment in the University's Policy on Prohibiting Sexual Misconduct, the scope of the University's education program or activity, the hearing process, impartiality, conflicts of interest and bias, technology used during a hearing, relevance of questions and evidence and the investigative and disciplinary process.
  2. Any member of the University Hearing Board pool selected to serve on a University Hearing Board must disqualify themselves for any bias or conflict of interest.
- B. Pre-Hearing Submission Deadlines.
1. *Submission of Witness Lists.* The Complainant and the Respondent shall provide the Hearing Officer or their designee with their respective lists of witnesses, including written character witness statements, by 5:00 p.m. on the fourth (4<sup>th</sup>) business day before the hearing.
  2. *Submission of Documentary, Electronic, and Other Evidence.* The Complainant and the Respondent shall submit copies of all documentary, electronic, or other evidence to the Hearing Officer or their designee by 5:00 p.m. on the fourth (4<sup>th</sup>) business day before the hearing.

3. *Access to Other Party's Pre-Hearing Submissions.* Upon receipt of a pre-hearing submission from either the Complainant or the Respondent, the Hearing Officer or their designee shall provide the other party with access to such submission as soon as reasonably possible and in no event, later than one (1) business day following the submission.
4. *Statement of Objections to the Title IX investigative report.* The Complainant and Respondent shall provide the Hearing Board with their respective objections to the Title IX investigative report, if any, by 5:00 pm on the fourth (4<sup>th</sup>) business day before the hearing.
5. *University Hearing Board Witnesses, Documentary, Electronic, and Other Evidence.* The Hearing Officer or their designee shall provide the Complainant and the Respondent with access to the list of witnesses to be called by the University Hearing Board, and any documentary, electronic, or other evidence not included in the Title IX investigative report at least four (4) business days prior to the hearing.
6. *Notification of Advisor for purposes of cross-examination at the hearing.* The Complainant or Respondent shall notify the Title IX Coordinator ten (10) business days in advance of the hearing if they need the University to provide an advisor for purposes of cross-examination at the hearing.
7. *Request for Hearing to Occur via Video Conferencing.* The Complainant, Respondent or Title IX Coordinator have the right to request that the hearing before the University Hearing Board be conducted via video conferencing. The Hearing Officer, Hearing Board, Complainant, Respondent and any witnesses must be able to see and hear the party or witness providing testimony. The request for the hearing to occur via video conferencing must be made ten (10) business days in advance of the hearing.
8. *Extension of Submission Deadlines.* The Hearing Officer or their designee may extend the time frame for submitting evidence, and witness lists, at their sole discretion, and only for good cause. If timelines are extended, the Hearing Officer or their designee shall provide written notice to the Respondent and the Complainant.

C. Pre-Hearing Procedures.

1. The Hearing Officer or their designee shall notify the Respondent and the Complainant of the scheduled hearing date in accordance with Appendix A of the Standards of Student Conduct.
2. The Respondent shall be afforded the opportunity to meet (in person, by telephone or videoconference) with the Hearing Officer or their designee 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.
3. The Complainant shall be afforded the opportunity to meet (in person, by telephone or videoconference) with the Hearing Officer or their designee 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.
4. The Hearing Officer shall review all written materials prior to submission to the University Hearing Board to ensure that the hearing record does not contain irrelevant, unfairly prejudicial, or inadmissible information. The Hearing Officer will call these matters to the attention of the Hearing Board for a determination on relevancy.

D. The Hearing Record

1. The Hearing Officer or their designee shall create a hearing record comprising the following:
  - a. The Title IX investigative report with its attachments;
  - b. The documentary, electronic, and other evidence submitted by the parties and the University Hearing Board, including a list of all witnesses and written character statements.
2. The Hearing Officer or their designee shall provide the Complainant and the Respondent with access to the hearing record at least two (2) business days prior to the hearing.
  - a. The Hearing Officer or their designee shall convene one or more pre-hearing meetings

for the members of the University Hearing Board to review the charge(s), to go over the contents of the hearing record, and to answer any procedural questions. This meeting shall be held at least twenty-four (24) hours prior to the hearing.

b. The Hearing Officer or their designee, at their discretion, may provide materials to the Board utilizing a secure server and convene the pre-hearing meeting directly prior to the hearing itself.

c. The Hearing Officer or their designee shall create seven (7) copies of the hearing record. The copies of the hearing record are distributed as follows:

- One (1) copy for the Hearing Officer's use which will be added to the official case file;
- Three (3) copies distributed to the University Hearing Board Members;
- One (1) copy given to the Respondent;
- One (1) copy given to the Complainant; and
- One (1) copy is made available for witness reference during the hearing.

If the hearing is held via teleconference, a copy of the hearing record will be made available electronically during the hearing.

E. General Procedural Rules of the University Hearing Board.

1. The Hearing Officer shall preside over and conduct the hearing and is specifically empowered to:
  - a. Appoint a recording secretary or other staff to audio record the hearing.
  - b. Control the admission of persons to the hearing. The Hearing Officer may order any person in attendance that does not conduct themselves in an orderly and respectful manner to leave. Obstructive, contemptuous, disruptive or noisy conduct in the presence of the University 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)(6) (b) of the Standards of Student Conduct. If a party's advisor is removed from a hearing pursuant to this section, the hearing will be recessed until such time that the University can provide an alternate advisor of the University's choice at no cost or fee to the party, in order to conduct cross examination on behalf of that party.
  - c. 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.
  - d. Exclude witnesses from the hearing room except when they are testifying.
2. All members of the University Hearing Board must be present throughout the hearing.
  - a. 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.
  - b. If a voting member disqualifies themselves or for good cause must withdraw from the hearing, the Hearing Officer shall call upon the alternate to serve. 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.
3. No person shall address the University Hearing Board or pose questions to any witness (including the Respondent, the Complainant or an advisor) without first being recognized by the Hearing Officer.
4. 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 Appendix A, Section 1(K) 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.

F. Order of the Hearing

1. 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.
  - a. The Hearing Officer shall read the allegations to the Respondent, and the Respondent shall state whether they accept responsibility for each allegation.
  - b. In the absence of a response, the Respondent shall be deemed not to have accepted responsibility for the allegation(s).
  - c. If the Respondent does not accept responsibility for the allegation(s), evidence, witness testimony, admitted by the Hearing Officer shall be presented that will support or refute the allegation
2. If the Respondent accepts responsibility for the allegation(s), evidence, witness testimony, admitted by the Hearing Officer shall be presented that will assist the University Hearing Board in assigning an appropriate sanction.
3. 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 alleged violation.
4. The Respondent and Complainant shall each be provided an opportunity to make an opening statement.
5. The members of the University Hearing Board shall direct the Hearing Officer to call witnesses and/or present evidence.
6. The Complainant shall have the opportunity to testify, present evidence, and call witnesses. The Complainant's advisor shall have the opportunity to conduct cross examination of the Respondent and all witnesses called by the Respondent or University Hearing Board.
7. The Respondent shall have the opportunity to testify, present evidence, and call witnesses. The Respondent's advisor shall have the opportunity to conduct cross examination of the Complainant and all witnesses called by the Complainant or the University Hearing Board.
8. Prior to the initial deliberations by the University Hearing Board, the Complainant shall have the opportunity to make a closing statement summarizing their evidence. This statement shall not address the impact of the alleged incident, the investigation, or the hearing, on the Complainant.
9. Prior to the initial deliberations by the University Hearing Board, the Respondent shall be given the opportunity to make a closing statement summarizing their evidence. This statement shall not address the impact of the incident, the investigation or the hearing, on the Respondent.
10. The Hearing Officer will excuse all parties and witnesses so that the members of the University Hearing Board may deliberate in private on the issue of responsibility for the charges at issue.
11. After deliberations on the issue of responsibility are completed, the Hearing Officer shall meet separately with the Respondent and the Complainant to notify them of the decision of the University Hearing Board on the issue of responsibility.
12. If the University Hearing Board finds the Respondent responsible for the allegations at issue, the hearing will be reconvened after notice to each party. The Complainant will then have an opportunity to make an impact statement to the University Hearing Board regarding the issue of sanctions and the impact of the conduct on the Complainant. Following that statement, the Respondent will have an opportunity to make an impact statement to the University Hearing Board regarding the issue of sanctions and the impact of the conduct on the Respondent.
13. The Hearing Officer will excuse both parties so that the members of the University Hearing Board may deliberate in private on the issue of sanctions.
14. After deliberations on the issue of sanctions are completed, the Hearing Officer shall meet with the Respondent to notify the Respondent of the sanctions imposed by the University Hearing Board and the effective date of such sanctions. The Hearing Officer will then meet with the Complainant to notify them of the sanctions imposed upon the Respondent that relate directly to the Complainant and the effective date of such sanctions.

15. The Hearing Officer will also provide information to both parties about the remedies that will be provided (if any) the Complainant designed to restore or preserve equal access to the University's educational program or activity.
  16. The Hearing Officer will also provide information related to written notification of the decision and the procedure and bases for appeal.
  17. The Hearing Officer will adjourn the hearing.
- G. Procedure for Oral Testimony. The following procedures shall apply to all oral testimony presented at the hearing:
1. The Title IX Coordinator shall not testify as a witness.
  2. The Title IX investigator may be called to testify as a witness.
  3. Witnesses shall testify under oath or affirmation.
  4. The members of the University Hearing Board shall be given the opportunity to ask questions of the witness.
  5. The Hearing Officer will ask questions submitted by the party calling the witness (either the Complainant or the Respondent) under procedures outlined in this Appendix A of the Standards of Student Conduct.
  6. The Respondent's and Complainant's advisor shall have the opportunity to cross examine the other party and witnesses called by the other party or the Hearing Board. Any party or witness may choose not to offer evidence, answer questions or submit to cross-examination at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Hearing Board can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The University Hearing Board cannot draw an inference about the determination regarding responsibility based solely on the party's presence at a hearing or refusal to submit to cross examination. The advisor cannot yell, berate or talk over the party/witness when providing cross-examination.
  7. Members of the University Hearing Board shall have a final opportunity to ask questions of the witnesses.
- H. Deliberation of the University Hearing Board.
1. 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.
  2. The members of University Hearing Board shall not make any finding of fact that is not supported by the evidence presented at the hearing.
  3. If two or more University Hearing Board members find the Respondent responsible for the alleged conduct, the student is "responsible" for that conduct.
  4. If the Respondent is found responsible, the recommended sanction shall be chosen generally from those listed in Appendix A, Section 3 of the Standards of Student Conduct.

### **Section 3: Sanctions**

- A. *List of Possible Sanctions.* Respondents found responsible for violating the Policy Prohibiting Sexual Misconduct will be sanctioned. Sanctions include but are not limited to the following:
1. University 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 University housing.
  2. Conduct Probation. Action permitting the student to remain at the University on probationary status and subject to certain terms and conditions as outlined by the University Hearing Board. 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. Students are prohibited from studying abroad in any semester for which they are on conduct probation for all or part of the semester.



3. Training: A student maybe required to complete a training course(s)appropriate to their sanction.
  4. Housing Relocation. Relocation from one University housing area to another.
  5. Housing Eviction. Removal from University housing.
  6. No Trespass Order. An order banning a student from specific buildings, portions of the campus, or from the entire campus or off-campus buildings or property.
  7. Revocation of Privilege. The revocation of a privilege including, but not limited to, registered events, using University dining facilities, having an automobile on campus, and/or access to other University facilities.
  8. 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 University Hearing Board.
  9. 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. *Multiple Sanctions*. More than one of the sanctions listed above may be imposed for any single violation.
- C. *Record Keeping*. Please see Article VIII of the Standards of Student Conduct, (4)(5) for information on record keeping and transcript notation.

## Section 4: Appeal

- A. *Right to Appeal*. The Respondent and Complainant have the right to appeal the decision of the University Hearing Board to the Appellate Administrator.
- 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 (5<sup>th</sup>) business day after delivery of the written notification of the finding of the University Hearing Board. The Hearing Officer 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. *Access to Hearing Record*. The party filing the appeal shall be provided with reasonable access to the hearing record in the hearing from which the appeal is taken.
- D. *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. If an extension is deemed appropriate, the Appellate Administrator shall provide written notice to the Respondent, and Complainant, setting forth the reason for the extension.
- E. Both the Complainant and the Respondent will be provided a reasonable and equal opportunity to submit a written statement in support of or challenging the University Hearing Board outcome.
- F. *Appeal Review Board*
1. The Appellate Administrator shall convene a Review Board comprised of two members of the University Hearing Board who were not involved in the original hearing. The Appellate Administrator shall be also be a voting member of the Review Board.
  2. The Appellate Administrator shall notify the other party in writing that an appeal has been filed.
  3. The Review Board does not hold a new hearing. The decision of the Review Board shall be made by majority vote.
  4. If the Review Board finds grounds to grant an appeal, the Review Board shall determine a remedy as prescribed in Article VIII (G) of the Standards of Student Conduct.
- G. *Grounds for Appeal*. An appeal shall be granted to the person filing if the Appellate Administrator or Review Boards finds, by clear and convincing evidence, that one or more of the following occurred:
1. Procedural irregularity that affected the outcome of the matter;
  2. New evidence that was not reasonably available at the time of the determination regarding responsibility was made that could affect the outcome of the matter;

3. The Title IX Coordinator, investigator(s), or Hearing Board member(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Respondent or Complainant affected by the outcome.
- H. *Notice of Appeal Outcome.* Upon reaching a decision on a request for an appeal, the Appellate Administrator shall provide written notification of their decision to the Respondent and the Complainant simultaneously. The written notification of the appeal decision should include:
1. The grounds for request for appeal as outlined above;
  2. A description of the pertinent points the Appellate Administrator or Review Board considered in rendering a decision;
  3. The decision of the Appellate Administrator or Review Board on the request for appeal; and
  4. Any remedy or prescribed action if applicable.