

3344-83-08 University judicial procedures.

The procedures outlined below and in sections 3344-83-09 or 3344-83-10 will not be used in cases of an alleged student code of conduct violation under sections 3344-83-04(C) or (D), or section 3344-83-4(E), where the violation involves stalking, relationship violence or domestic violence.

(A) Procedures for filing charges.

- (1) Any member of the university community may file a written charge alleging the following:
 - (a) Violation of the student code by any student or student organization;
 - (b) Disputes between student organizations;
 - (c) Disputes between individuals and student organizations;
 - (d) Disputes involving student organizations' constitutions; or
 - (e) Disputes involving student publications.
- (2) The vice president for student affairs or designee may file a written charge on behalf of the university community.
- (3) The written charge shall be filed with the judicial affairs officer ("JAO") in the department of student life. Charges filed against student organization will be reviewed by the JAO in consultation with the ~~dean of student life~~ vice president of student affairs and the chairperson of the student life committee (SLC) to decide whether the charge is to be referred to the SLC or processed through university judicial procedures. In the event that the JAO has filed a charge, will be a witness in a proceeding, or otherwise has a conflict of interest, the vice ~~provost-president~~ for student affairs will appoint a temporary replacement to serve as the JAO on that matter.

(B) Notice of charge.

Upon receipt of a written notice the JAO shall send notification to the charged student using the student's CSU email address, campus mail address or the last address on file with the registrar, or to the presiding officer of the student

organization and its advisor at the address on file with the department of student life. The notification shall set forth:

- (1) The charge and the name of the charging party;
- (2) The violation with which the student or student organization is charged;
- (3) The right of the charged student or student organization to choose between an administrative hearing before the SCO or a university judicial board hearing, unless the student or student organization is charged during the summer semester in which case, the SCO will hear the case;
- ~~(3)~~(4) Any interim measures imposed by the JAO until the judicial process is over. The JAO may alter a student's academic status or rights and privileges as a student on an interim basis. An interim suspension may only be imposed pursuant to 3344-83-07(B) of the administrative code;
and
- ~~(4)~~(5) An explanation that the charged party must respond to the notice within five working days or the matter will be referred to the university judicial board.
- ~~(5) — Students who are charged with conduct code violations during the summer semester have the option to have their case heard by the SCO (administrative hearing) or wait until judicial board convenes in the fall.~~

(C) Response to notice of charge

- (1) Whether the student or student organization selects an SCO or university judicial board hearing, the JAO will set the hearing date for no more than fifteen (15) working days from the receipt of the written response to the notice of the charge.
- (2) A student or student organization who admits responsibility to the JAO may waive the option for a formal hearing and the JAO will apply appropriate sanctions.

(D) Hearing procedures

- (1) Notice of hearing

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Written notice of the hearing and the name of the charging party shall be sent by the JAO, not less than five (5) working days before the hearing, to the parties and shall include the date, time and location of the hearing. The notice will be sent to the student's email address ~~or~~ and by regular and certified mail to the last address on file with the Registrar or by hand-delivery. In the case of student organizations, it will be sent to the presiding officer and the advisor of the organization to the email addresses and mail addresses on file in the department of student life. The notice shall indicate that the judicial procedures are set forth in the Code; and, the notice shall also include the following information:

- (a) The charge, the name of the charging party, and the potential Code violation with which the student or student organization is charged.
- (b) That all parties must notify the JAO no later than three (3) working days prior to the date and time of the scheduled hearing of any witnesses who will be participating, any other parties who will be attending, or of a request for a postponement of the hearing, and must provide copies of any materials that will be presented;
- (c) That requests for postponement will be granted by the JAO only for good cause which is beyond the control of the requesting party; and
- (d) That the charging party and the charged party shall have equal access to all witness statements and hearing materials and shall receive a list or copies of materials from the JAO no later than 24 hours before the hearing.

(2) Hearing

- (a) After consultation with university legal counsel, and the ~~dean of students and vice provost of~~ vice president of student affairs, the JAO may require, limit and/or postpone actions or activities of a charged student or student organization to prevent danger to health or safety of persons or property or the disruption of the educational process until the administrative hearing decision is presented to the parties and all available appeals have been exhausted;
- (b) Both the charged student or student organization and the charging party have the right to seek assistance from members of the university community and have one such member of the university community present at the hearing (the "community support person"). Additional members of the university community may be permitted to be present at the hearing at the discretion of the JAO after consultation with the involved parties.

Only the charged student, or student members of the student organization, or the advisor of the charged organization, and the charging party shall be permitted to make any presentations during the hearing. This restriction does not apply to witnesses.

- (c) The same person may not serve as a community support person and a witness simultaneously; nor can the advisor of the charged student organization serve as a witness and an advisor simultaneously. The name of the community support person who will be attending the hearing must be submitted to the JAO no later than three (3) working days prior to the date and time of the scheduled hearing.
- (d) Witnesses may be sequestered until needed to make presentation;
- (e) Hearings shall be closed and will be recorded to provide an accurate record of the proceedings;
- (f) In hearings involving more than one charged student or student organization, separate hearings may be held at the discretion of the JAO.
- (g) The SCO or chairperson of the university judicial board will present the charge(s) filed against the student or student organization;
- (h) The party who filed the charge will explain the circumstances of the alleged violation and present witnesses in support of the charge. The hearing body may ask appropriate questions regarding the incident;
- (i) The charged student or student organization will respond to the charge(s) presented. In doing so the student or student organization may present witnesses in support of the student's or student organization's actions in connection with the alleged violation. The hearing body may ask appropriate questions regarding the incident;
- (j) The charged party may refrain from testifying at the hearing;
- (k) If ~~the charging~~either party fails to appear, the hearing will be held in the party's absence and the hearing body will make a decision based on the materials submitted;

(3) Decision

Within five (5) working days of the completion of the hearing, the SCO or the university judicial board will provide the JAO with a written decision. The written decision will include the alleged violations of the Code, a description of the materials reviewed by the SCO or university judicial board, a determination of whether the charged party is responsible or not responsible for violating university policy, any recommended sanctions, and a description of the applicable appeal process outlined in the Code. The JAO will forward the written decision and any sanction(s) to the appropriate university party. The JAO will provide a copy of the decision to the charged party, the charging party and any other party required to receive notice of the decision as required by law. The JAO will discuss the outcome and appeal process with them.

(E) Enforcement of sanctions

A student who does not comply with sanctions may be subject to further disciplinary actions for non-compliance with university sanctions pursuant to 3344-83-04(DD)(7). The JAO will monitor all sanctions and initiate appropriate actions to ensure compliance. These actions may include holds on records and graduation, increases in sanctions, and additional formal judicial charges.

(F) Records

All materials relating to the hearing, including the final decision and the recording of the hearing, will be secured in the department of student life, office of judicial affairs.

(G) Parental/guardian notification

| The ~~dean of students~~ vice president of student affairs will notify the parent(s)/guardian(s) of a student under the age of twenty-one (21) who has been found in violation of an alcohol or drug provision of the Code. Parent(s)/guardian(s) will be notified by regular and certified mail at the student's permanent address on file in the registrar's office.