

# Disciplinary Procedures by the Judiciary Committee

## Judiciary Committee

The chairperson assumes the following duties:

- Arranges for appropriate times and places for committee meetings and hearings.
- Informs the Director, Student and Campus Services, in writing when possible, of the location and time of the committee hearing and a list of individuals whom they request or require to attend the hearing.
- Arranges for the hearing to be electronically recorded.
- Conducts the hearing.
- Maintains committee records and all documents that will be presented to the Director, Student and Campus Services after the conclusion of the meeting.  
Informs the Director, Student and Campus Services, by *Memorandum of Record*, the decisions of the committee, to include findings and, if appropriate, sanctions (see Appendix F – *Memorandum of Record*).
- Arranges for appropriate security when necessary, during hearings.

The office of the Director, Student and Campus Services assumes the following duties:

- Inform the appropriate individuals, including but not limited to the complainant and the accused, of the scheduled hearing date, time, and location.
- Notification to the student(s) that it is permissible to appear alone or with counsel before the Judiciary Committee and may be present during all phases of the hearing except during the committee's deliberation. Requestor of counsel shall be required to sign a FERPA release before the meeting begins.
- Counsel shall be made aware of the following:
  - Counsel shall not speak for or on behalf of the accused student(s) but may act only in an advisory capacity.
  - Counsel may not question or cross-examine witnesses or committee members. (If counsel attempts to question or cross-examine a witness or committee member, they will be excused from proceedings.)
- Notification to the student(s) that they will be provided the opportunity to present evidence and to conduct reasonable cross-examination of witnesses.
- The student(s) that is scheduled for a hearing before the Judiciary Committee and who fails to appear at the designated date, hour, and place of the hearing after notification thereof, shall be deemed to have waived the right to a hearing and the right to appear before the Judiciary Committee. The Judiciary Committee may then proceed with the hearing. If the accused student(s) is unable to attend the hearing for good cause at the appointed time, prior written notice of the inability to attend shall be submitted to the Director, Student and Campus Services, whereupon a new date shall be set by the Director in coordination with the chairperson of the Judiciary Committee. Only one such extension shall be granted, except where additional extensions would cause undue hardship to the student(s).

The hearing before the Judiciary Committee shall not be conducted as a courtroom trial, but shall proceed as follows:

- One appointed faculty or staff member shall serve as chairperson of the Judiciary Committee. The chairperson shall screen the committee members prior to the hearing for any prejudicial knowledge. In the event of special prejudicial knowledge, those members may be replaced by the President or his or her designee with other qualified faculty or staff members and/or students. A simple majority of the members present will be allowed to make a judgment and render a decision in the matter with regard to a finding of guilty and imposition of appropriate disciplinary action. (A minimum of 3 committee members must be present to hear and rule on the case.)

A record of all proceedings shall be kept in the form of a video or audio recording, and a copy may be reproduced at the expense of the accused student(s) or organization.

## Proceedings

Proceedings shall open with the chairperson of the Judiciary Committee reading the following statement:

*"A College is an academic institution, not a courtroom or administrative hearing. The Judiciary Committee is not bound by the rules of legal evidence which would apply in a court proceeding. The committee is allowed to admit and consider evidence that might not be admissible in a court of law. This includes hearsay; however, evidence must be relevant to the charge."*

**Note: Formal rules of evidence shall not be observed in proceedings before the Judiciary Committee; however, the chairperson of the**

**committee shall be authorized to exclude irrelevant, redundant, or unduly inflammatory evidence. The findings of the committee on the issue of violation(s) of the Code of Student Conduct will be based solely on evidence introduced at the hearing. Evidence of previous violations of rules and regulations or violations of local, state, or federal laws, ordinances, and regulations shall not be considered in any way by the committee in determining whether the violation charges were committed, but such evidence may be considered by the committee in consideration of the appropriate sanctions. They may also be introduced as evidence in rebuttal of any related character evidence introduced by the accused party.**

The chairperson of the Judiciary Committee will then read the charge against the student(s). The student(s) shall then make a plea of guilty or not guilty. If the accused student(s) admit guilt, the committee will go directly into closed session to deliberate sanctions; however, students(s) who plead guilty may be permitted to explain the rationale for their behavior as a plea for leniency before the Judiciary Committee. Failure to make a plea by the student(s) is considered an admission of guilt.

If the accused denies guilt, the Judiciary Committee Chair shall present the evidence against the accused student(s). The accused student(s) will be afforded the opportunity for reasonable cross-examination.

- The accused student(s) may then present evidence of the event by oral testimony, witnesses, and/or written sworn affidavits. Reasonable cross-examination will be afforded.
- Rebuttal evidence may be presented by either party as necessary, but not so as to be redundant. The accused student (s) may make a closing statement.

The complainant, College, and the accused student(s) may each have an attorney or other personal representative present to act as an advisor. The respective attorneys or personal representatives shall not be advocates and shall not question witnesses or have any role in the proceedings. The advisor may only communicate with the individual they are advising.

After presentation of all evidence, the Judiciary Committee shall enter closed session. The committee shall deliberate and make its determination of findings and determine appropriate sanctions if the student(s) is found guilty. Student(s) shall be notified of the determination within **three (3) business days** of the close of the hearing. Any sanctions previously imposed to the time of the hearing shall remain in effect until official notification of the Committee's decision.

- If the Judiciary Committee determines that the student is not guilty, the student will be cleared of all charges. If the student is found guilty, the Committee will disclose the findings and sanctions determined by the Committee. The Committee Chair informs the Director, Student and Campus Services, by *Memorandum of Record*, the decisions of the committee, to include findings and, if appropriate, sanctions (see Appendix F – *Memorandum of Record*).
- The Director's office will send a hard copy of the final *Sanction Agreement* by Certified mail OR by a Process Server. The office of the Director will prepare an additional copy of the *Sanction Agreement* for student signature and email it to the student's college email account.

Upon administering the *Sanction Agreement*, the student will select one of the following options:

- Sign the *Sanction Agreement*, indicating acceptance of the sanctions imposed and waiving all rights to appeal; OR
- Sign the *Sanction Agreement*, declining the opportunity to accept the sanctions imposed, and an appeal may be filed with the President or designee. Imposed sanctions by the Judiciary Committee will remain in effect throughout the appeals process.
- Any student who fails to select 'Accept' or 'Do Not Accept' and fails to sign the *Sanction Agreement* shall be deemed to have waived all rights to further appeal, and the sanctions imposed will be final.
- Students have **five (5) working days** from the date of the emailed *Sanction Agreement* to sign the document. At this time, the judgment is final.
- The complainant will be notified by email, the final resolution.

Upon completion of the hearing and determination, the Committee shall submit a *Memorandum of Record*, by email, to the office of the Director, Student and Campus Services (see Appendix F – *Memorandum of Record*).

- The office of the Director shall email copies of the *Memorandum of Record* to the appropriate Dean(s) for notification of all involved parties.

All original documents shall be submitted to the office of the Director, Student and Campus Services, to be filed and recorded on the Student Complaint Drive.