

Guidelines for Colleges:

Procedures for Resolving Complaints under the *Student Conduct Code*

These guidelines address procedures for resolving complaints against students under the Board of Regents Policy: *Student Conduct Code*.

<http://www1.umn.edu/regents/policies/academic/StudentConductCode.pdf>. Under University policy and procedures, colleges may play an important role in resolving complaints of scholastic dishonesty brought against students within the college under the *Student Conduct Code*. These guidelines are intended to assist colleges in fulfilling their responsibilities consistently and expeditiously. They do not establish procedural rights or impose obligations. Rather, they are intended to facilitate good faith resolution of *Student Conduct Code* complaints.¹

Designated collegiate officer. Colleges are expected to appoint a person in the college to be responsible for effectively facilitating informal problem-solving and for administering the formal hearing process.

Subject matter. The University may bring complaints against students for disciplinary offenses under the *Student Conduct Code*. Such disciplinary complaints include complaints of scholastic dishonesty. When a *Student Conduct Code* complaint of scholastic dishonesty occurs entirely within a college (e.g., the student involved is a CLA student and the class involved is a CLA course), that college may resolve that complaint informally or through a hearing (although such complaints should *always* also be forwarded to the Office for Student Conduct and Academic Integrity). Other types of University-initiated complaints under the *Student Conduct Code* are resolved by the Office for Student Conduct and Academic Integrity in consultation with the college.

Informal Conflict Resolution. The first step of the collegiate resolution procedure should be between the parties involved or the parties and an appropriate administrator. Students are encouraged to consult the Student Conflict Resolution Center or other services for support and advice.

The parties and the designated collegiate officer should proceed in accord with a mutually agreed upon time-line. The informal process should conclude with one of the following: 1) a mutually agreeable resolution, 2) conclusion of informal efforts without resolution, or 3) withdrawal of the complaint.

Formal Conflict Resolution. Formal conflict resolution processes may include two steps: (1) a hearing within the collegiate unit; and (2) an appeal to a University-wide body.

¹ Students sometimes initiate complaints against the University under the Board of Regents Policy: *Conflict Resolution Process for Students*. There are important substantive and procedural distinctions between student-initiated complaints against the University under the *Conflict Resolution Process for Students*, and disciplinary complaints against students under the *Student Conduct Code*. Colleges must be aware of those differences when addressing complaints. These guidelines address disciplinary complaints under the *Student Conduct Code*.

A fair hearing should *not* be a traditional, court proceeding and should not be overly technical. It should provide a fair and reasonable opportunity for the parties to present their respective cases to a panel for decision. A fair hearing process should be prompt. Normally, the hearing process should be concluded within one month of the student's request for a hearing, not including periods when the University is not in session. A fair hearing process may include the following:

- **Written complaint.** The student should have fair written notice of the alleged *Student Conduct Code* violation, including the facts giving rise to the allegation.
- **Panel.** The college should appoint a panel, and a Chair of the panel, for the hearing. The panel may be a standing collegiate committee or it may be appointed on an "as needed" basis. The panel should typically include at least three members, at least one of whom is a student member. No panel member should have a direct interest in the conflict. All panel members serve as neutrals and give the matter open-minded, fair consideration. The Chair directs the procedures before the hearing and directs the course of the hearing. The college should determine before the hearing if the Chair shall be a voting member of the panel, and this decision should be announced at the pre-hearing conference.
- **Pre-hearing conference.** A meeting among the parties and the Panel Chair or designated collegiate officer can help to clarify the issues, determine what information or witnesses each side intends to present, establish ground rules and procedures for the hearing, and answer any other questions. In general, a pre-hearing conference eliminates surprises at the panel hearing and helps the parties prepare.
- **Hearing.** A hearing is typically scheduled for one half-day. The parties are responsible for presenting their own case. Each presentation may include the use of documents (with enough copies for each panel member and parties) and/or witnesses. All documents distributed at the hearing should be collected at the end of the hearing for shredding. Each party may be accompanied by an advocate or advisor (usually not an attorney, but when a student has an attorney, the University also will be represented by an attorney). The hearing is closed to those not directly involved in the case, and witnesses are present only during their own questioning.

A hearing usually proceeds in the following order:

- Call to order by the Chair. Introductions of all present. Review of ground rules and any agreements reached. Witnesses are permitted to attend only for their testimony.
- Each party gives an opening statement, with the presenter on behalf of the University usually going first.
- The presenter presents information and calls witnesses. The student and then panel members follow-up with their questions.
- The student next presents information and calls witnesses. The presenter and then panel members follow-up with their questions.

- Each party makes a summary closing statement with the presenter usually going first.
- **Record.** A formal record (*e.g.*, tape recording) of the hearing should be made and, together with the documents submitted, kept in accordance with the University’s Record Retention Schedule either in an appropriate collegiate office or at the Office for Student Conduct and Academic Integrity. Parties have the right to obtain a copy of the record (which may be at their own expense) subject to University policy.
- **Panel decision or recommendation.** A decision by the hearing panel is based on the information presented at the hearing. A majority of the panel issues the decision. The University has the burden of persuading the panel, through information and argument, that it is more likely than not that the student violated the *Student Conduct Code*.

The panel’s decision should be in writing and provided to each party and to Office for Student Conduct and Academic Integrity.

Appeal. Accompanying the panel’s decision, the college must give the student notification, in writing, of the appeal process. An appeal from a panel’s decision in a student disciplinary matter under the *Student Conduct Code* goes to the Provost’s Appeal Committee, for ultimate decision by the Provost. The college may use the following template language for their notification of the appeal process:

“You have the right to appeal this decision. For more information on an appeal, go to the “Student Conduct Code Procedure: Twin Cities Campus” [URL], and the Provost’s Appeal Committee Hearing Procedures. [URL:] A request for an appeal must be made in writing and filed within ten (10) weekdays of receipt of this letter with:

Secretary, Provost’s Appeal Committee
[234 Morrill Hall](#)
100 Church St SE
Minneapolis, MN 55455

Read the procedures referenced above to see what should be included in your request for an appeal.”