

**CAMPUS COMMITTEE ON STUDENT BEHAVIOR
HEARING PROCEDURES ¹**

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CAMPUS COMMITTEE ON STUDENT BEHAVIOR HEARING PROCEDURES

A. INTRODUCTION

The Campus Committee on Student Behavior (CCSB) assists in implementing the Board of Regents Policy: *Student Conduct Code* at the University of Minnesota on the Twin Cities Campus. The CCSB provides a fair hearing to determine if a student's behavior has violated the Student Conduct Code and to determine what, if any, sanction should be imposed. Complaints of Student Conduct Code violations are referred to the CCSB for a hearing by the Office for Student Conduct and Academic Integrity (OSCAI). The CCSB Secretary receives the complaints and assists the CCSB Chair in managing the hearing process.

B. PARTIES TO THE COMPLAINT

In CCSB cases, the University is the formal complainant and the accused student is the individual alleged by the University to be in violation of the Student Conduct Code. For the purpose of these procedures, the parties are identified as the University presenter and the accused student.

The University appoints a presenter to bring the University's case before the Committee. If an accused student is represented by an attorney, the University's Office of General Counsel will assign an attorney to serve as the University presenter. Students may obtain the services of an advocate through the Student Conflict Resolution Center, who can help them prepare and present their case before the CCSB.

The accused student must submit the name of any advocate or attorney to the CCSB Secretary before the prehearing conference, and must give immediate notice to the CCSB Secretary if there is any change in an advocate or attorney.

C. COMMITTEE AND PANELS

The Senate Committee on Committees appoints faculty, staff, and student members to the CCSB.

Panels are drawn from the CCSB to hear individual cases. A CCSB Panel consists of the Panel Chair and a panel of five (5) or more voting members. The Panel Chair and the CCSB Secretary have no vote. The CCSB Chair normally serves as the Panel Chair, but may delegate

that role to another CCSB member. Reasonable efforts are made to have a majority of students on each panel, unless it would delay a hearing.

In addition to Panel members, the Dean of the accused student's college appoints a faculty, staff, or student to sit on the Panel. In cases involving cross-collegiate situations, a representative from each college is appointed to Panel. Collegiate-appointed panel members have a vote and are counted in the quorum of five. Collegiate representation is not applicable when the accused is a student organization.

Panel members are not advocates for either side. The Panel shall fairly consider the information presented at the hearing and may ask questions of the witnesses. The Panel shall decide whether the accused student violated the Student Conduct Code and, if so, what sanctions are appropriate. The Panel may not talk privately (outside of the hearing room) about the complaint with the parties or their advocates.

D. CASES OF PHYSICAL AGGRESSION/HARASSMENT OR SEXUAL ASSAULT/HARASSMENT

For hearings involving cases of physical aggression/harassment or sexual assault/harassment, the panel membership will be limited to five (5) members, the minimum number needed for quorum. The panel will include a collegiate representative, and reasonable efforts will be made to have a student majority. These hearings will be held as soon as possible.

E. THE COMPLAINT AND SCHEDULING

When a complaint is not resolved informally, OSCAI forwards it to the CCSB Secretary for a hearing. The CCSB Secretary will notify the CCSB Chair, the University presenter, and the accused student of the statement of the complaint, the Student Conduct Code, and these procedures.

The CCSB will strive to complete a hearing within one month of the student's request for a hearing, not including periods when the University is not in session. The CCSB Secretary will be responsible for scheduling a prehearing conference and the hearing, taking into account the parties' schedules as appropriate. The CCSB Secretary generally will provide at least 5 days notice before the prehearing conference.

F. STUDENT STATUS DURING THE PROCESS

An accused student ordinarily is allowed to continue the status of a student-in-good-standing pending the outcome of the CCSB hearing. However, in certain cases, the President or his or her designee may suspend a student temporarily, pending the CCSB's hearing and decision, as provided in the Student Conduct Code. In such situations, the CCSB should hold a hearing as soon as possible.

In complaints of alleged scholastic dishonesty, any grade affected will be redacted from the transcript pending a disposition from the Panel.

G. PREHEARING CONFERENCE

The Panel Chair will convene a prehearing conference to plan for the hearing and discuss the topics outlined in Appendix A of these procedures. The University presenter, the accused student, and his/her advocate, the CCSB Secretary, and the Panel Chair attend the prehearing conference. If either party does not attend the prehearing conference, the Panel Chair will determine whether and how that absence will affect the scheduling and presentations at the hearing.

The parties shall be informed of the names of the Panel Chair and potential members of the Panel at the prehearing conference. At that time, either party may ask that the Panel Chair recuse himself or herself from the hearing due to a direct relationship with the case or being a reporting party or witness. At that same time, either party may challenge the panel member(s) and/or collegiate representative(s) on the ground of conflict of interest or bias. The Panel Chair, after hearing arguments, will decide whether a panel member should be removed from Panel. If a quorum is lost because of a successful challenge, a new person will be appointed from the CCSB or by a Dean, as appropriate. A party who learns after the prehearing conference of a potential conflict must immediately notify the CCSB Secretary of an objection.

The parties will identify the witnesses they intend to present at the hearing. The Panel Chair or the panel may, in its discretion, exclude from the hearing witnesses who were not previously identified to the other party.

The University is committed to informal resolution of complaints whenever possible. During the prehearing conference and up to 24 hours prior to a hearing, the accused student can accept the original informal resolution from OSCAI.

H. THE HEARING

1.) Decorum

The Panel Chair is responsible for maintaining an orderly, fair, and respectful hearing. The Chair has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person. All cell phones must be turned off during the entire hearing.

2.) Record of Hearing

CCSB complaints, prehearing conferences, and hearings are closed to the public. Guests may be permitted to attend with agreement from both parties and the Panel Chair. The CCSB Secretary shall keep an official tape recording of each hearing. No camera, TV, or other equipment other than that used by the Secretary to keep the official record of the hearing will be permitted in the hearing room.

A copy of the correspondence, the complaint and response, the exhibits presented at the hearing, the tape recording of the hearing, and the CCSB disposition shall be maintained in a file in OSCAI.

3.) Appearance

If the accused student does not appear in person at the hearing, the Panel may elect to either (1) vote to suspend the accused student until a hearing is held; or (2) vote to proceed with the hearing in the absence of the student. A student choosing not to appear may provide the Panel with a written statement signed by the student.

4.) Standard of Proof

To establish that an accused student violated the Student Conduct Code, the University presenter must persuade a majority of the Panel that it is more likely than not that the student committed the violation.

5.) Case Presentation

The parties are expected to be prepared for a clear, complete yet economical presentation of their cases. The Panel Chair may impose reasonable time limits on any phase of the proceedings.

Each party may offer reliable information relevant to the issue and may object to the information offered by the other party. The Panel Chair and the panel have discretion to determine what information should fairly be included or excluded.

The parties may also introduce relevant written documents, objects, films, or other materials as exhibits. Each party is responsible for bringing copies of written materials in sufficient number for distribution to panel members and the opposing party at the hearing.

Parties should offer witnesses in person whenever possible. Each party is responsible for getting its own witnesses to the hearing. If reasonable efforts to accommodate the schedules are not successful, the unavailability of a witness is not a ground for postponement of the hearing. If an important witness prefers not to testify, the parties may ask the Panel Chair to assist in encouraging the witness to testify. When necessary, witnesses may present information by telephone or written statement. After a party's witness presents information, the other party may ask questions, and then Panel members may ask questions.

The Panel Chair will exclude witnesses from those parts of the hearing in which they do not testify. However, the individual who is the complaining witness for the University in a hearing involving a charge of physical aggression/harassment or sexual assault/harassment may be present in the hearing room throughout the proceedings, not including the deliberative session. Such a witness may also be accompanied by a support person in a non-participatory role.

I. PANEL DELIBERATIONS AND DECISION

At the end of the hearing the Panel will retire to deliberate in closed session. The Chair, Secretary, and Panel members, as well as legal counsel to Panel, may attend.

The task of the Panel is more than determining responsibility; it is one of assessing the qualifications of the accused student (if determined responsible for the conduct) for continuing membership in the University community in light of the individual's record of conduct and responsiveness to opportunities, advice, and counsel. The Panel decides the issues based on the information presented by the parties at the hearing and determines whether the University presenter persuaded them that the accused student violated specified provisions of the Student Conduct Code. CCSB Panel must be prepared to make a judgment based on the information provided even if it is not complete.

Each panel member will vote on whether or not the accused student is responsible for violating the Student Conduct Code for each alleged charge. A majority vote of Panel members is required to find a violation. A tie will be considered a vote of “not responsible.” If an accused student is found responsible for one or more items, the Panel will next vote on sanctions, as listed in the Student Conduct Code.

The Panel’s decision will be communicated in writing to the parties no later than one week following the hearing. No one participating in the deliberations will give any party verbal information about the decision or the deliberations.

J. APPEAL

A student who is dissatisfied with the decision of the CCSB may appeal it to the Provost’s Appeal Committee as outlined in the Board of Regents Policy: *Student Conduct Code*. With the exception of grades, the decision is not enforced until the appeal is resolved.

**CAMPUS COMMITTEE ON STUDENT BEHAVIOR
PREHEARING CONFERENCE**

University of Minnesota vs. Student

Date:

Time:

Place:

Purposes for the Prehearing Conference are:

1. To identify the advocates or attorneys of the parties.
2. To review the complaint.
3. To describe the procedures to be followed at the regular hearing (Appendix B).
4. To review the date, time, and place for the hearing.
5. To identify the panel members (5 required for a quorum).
6. To identify the college representative who has been named by the college in which the accused is registered (not applicable when the accused is a student organization). This person is a voting member of the panel.
7. To identify and exchange the names of potential witnesses that may be scheduled to appear.
8. To discuss an informal resolution of the complaint.
9. To resolve special considerations, answer other questions, or share information prior to the hearing.

**CAMPUS COMMITTEE ON STUDENT BEHAVIOR
ORDER OF PROCEEDINGS**

1. Call to order by the Chair.
 - a. Reminder to turn off all cell phones.
2. Announcements and opening remarks by the Chair, including such items as:
 - a. Identification of the parties attending the hearing.
 - b. Notice that the hearing is being tape recorded.
 - c. Review the standard of proof.
 - d. Understandings reached at the prehearing conference.
3. Witnesses are asked to leave the hearing room until recalled by the Chair.
4. Opening the hearing by the Chair, including such items as:
 - a. Presentation of the complaint and alleged specific rules violation.
 - b. Poll the panel for bias, prejudice or preformed judgment.
 - c. Allow both parties to challenge any of the panel members
 - d. Reduce the Panel to 5 members for cases of physical aggression/harassment or sexual assault/harassment.
 - e. Announcement of the seating of the voting members (quorum of 5 required).
5. Accused student responds to the complaint (responsible or not responsible).
6. Opening comments (5-10 minutes), University presenter and then accused student.
7. University presenter presents information about the alleged violation
 - a. Accused student may question witness.
 - b. Panel members may question witness.
8. Accused student presents information about the alleged violation.
 - a. University presenter may question witness.
 - b. Panel members may question witness.
9. A witness may be recalled by the Chair to testify on specific issues:
 - a. At the request of either party.
 - b. At the request of a Panel member.
10. Closing comments (5-10 minutes), University presenter and then accused student.
11. Hearing is closed by the Chairperson.
12. Panel retires to deliberate (closed meeting, not tape recorded).
 - a. The Panel finds the accused responsible or not responsible for Student Conduct Code violations alleged in the complaint.
 - b. If responsible, the Panel decides on appropriate sanctions.
 - c. The Panel's decision will be reported in writing to the parties by the CCSB Secretary.