# Guidelines for the Rules of University Conduct

## Table of Contents

### Introduction
- Affirmative Statement
- History of the Rules
- Committee on Rules of University Conduct
- Purpose of the Guidelines
- Amendment to the Guidelines
- Questions of Interpretation

### Rules Administrator

### Rules Clerk

### Prohibited Conduct
- Violations

### Managing Events
- Roles and Responsibilities
- Summoning a Delegate
- Warning & Advice
- Media Credentialing

### Reporting an Alleged Violation

### Disciplinary Process

### Rights of the Respondent
- Privacy
- Advisors
- Time Frame
- Notice
- Conflicts of Interest

### Investigation Process
- Hold Placed on an Account
- Prior Conduct by Respondent
- External Investigations
- Initial Assessment of Complaints
- Planning an Investigation
- Conducting Interviews
- Witness Statements
- Declining to Participate
- Informal Resolution
- Preparing an Investigation Report
RESPONDENT’S RESPONSE TO THE INVESTIGATION REPORT

ADJUDICATION PROCESS
  PREPARING FOR THE HEARING
  DETERMINING THAT A HEARING IS NOT NECESSARY
  CONDUCTING A HEARING
  DETERMINING RESPONSIBILITY
  DETERMINING SANCTIONS
  PREPARING A REPORT OF THE UJB’S DETERMINATION

APPEALS PROCESS

RECORDS
  RECORD KEEPING & RETENTION
  RECORDS DISCLOSURE

APPENDIX
  1. SAMPLE COMPLAINT FORM
  2. SAMPLE NOTICE OF ALLEGED VIOLATION
  3. SAMPLE CHARGE LETTER
  4. SAMPLE INVESTIGATION REPORT
  5. SAMPLE CONFLICT OF INTEREST DISCLOSURE SURVEY
  6. SAMPLE UJB CHAIRPERSON SANCTION FORM
  7. SAMPLE UJB PANEL FINDING & SANCTION FORM
  8. SAMPLE APPEAL REQUEST FORM
  9. SAMPLE APPEALS BOARD DECISION FORM
  10. APPLICATION FOR STUDENT MEDIA CREDENTIAL: EDITORIAL STAFF OF A UNIVERSITY RECOGNIZED STUDENT MEDIA OUTLET
  11. APPLICATION FOR STUDENT MEDIA CREDENTIAL: FREELANCE STUDENT JOURNALIST
INTRODUCTION

AFFIRMATIVE STATEMENT

Every member of our community retains the right to demonstrate, to rally, to picket, to circulate petitions and distribute ideas, to partake in debates, to invite outsiders to participate, and to retain the freedom to express opinions on any subject whatsoever, even when such expression invites controversy and sharp scrutiny. We expect that members of our community will engage in public discussions that may confront convention. Free expression would mean little if it did not include the right to express what others might reject or loathe.

To learn more, we encourage you to review the Affirmative Statement in its entirety in §440 OF THE RULES OF UNIVERSITY CONDUCT.

HISTORY OF THE RULES

The Rules of University Conduct (the Rules) date back to the Columbia University protests of 1968. Following those protests, the Columbia University Senate passed a referendum adopting the Rules and creating the Committee on Rules of University Conduct (the Committee). Any amendments to the Rules need the approval of not only the University Senate, but also the Trustees.

The Rules have three sections. The first section defines the limits on acceptable forms of protest by listing types of activities that are considered violations. The second section defines how demonstrations should be managed, creating positions for that purpose. The last section explains the disciplinary process.

In 2013, the Committee started examining our history, holding town halls, and obtaining input from our diverse community. After an arduous review, the Rules were revised in 2015. The Committee would like to highlight two particular changes to the Rules.

First, the revised Rules include an Affirmative Statement that emphasizes Columbia's commitment to the right of freedom of expression for every member of the University and our ability to openly demonstrate, rally, picket, and circulate petitions, while still protecting the rights of others and allowing the University to continue to function normally.

Second, the revised Rules, which apply University-wide, provide for one system that governs the disciplinary process and are designed to provide procedural due process protections for those accused of violating these Rules. Further, the Rules now provide greater clarity, choice, and predictability. The most significant revisions to the disciplinary process are changes that (a) streamline the adjudicatory procedure, (b) separate charging from sanctioning, and (c) establish an independent University Judicial Board as the hearing panel and sanctioning body for all respondents. Together, these revisions will result in a process that is more transparent, uniform, and consistent in application.

In accepting membership in Columbia University’s community, we agree to be bound by, and to honor, the Rules.
COMMITTEE ON RULES OF UNIVERSITY CONDUCT

The Committee may from time to time facilitate a public discussion, engaging faculty, students, and staff, about whether revisions to the Rules are merited. The Committee shall also prepare any guidelines or materials that will facilitate implementation of the Rules.

PURPOSE OF THE GUIDELINES

These guidelines have been written by the Committee to assist the Rules Administrator, as well as the members of the University Judicial Board and Appeals Board, as they investigate and adjudicate alleged violations of the Rules. However, some of the principles outlined may also assist all members of our community to better understand the content of the Rules and how an alleged violation is handled. The guidelines provide insight into the Committee’s rationale and spell out the investigation, hearing, and sanctioning process for matters in which individuals are accused of violating the Rules.

To learn more, we encourage you to review the Rules of University Conduct.

AMENDMENT TO THE GUIDELINES

The Rules Administrator, or members of the hearing panels, may submit a request to the Committee for revisions to the guidelines or other implementation materials. The Committee may also on its own initiative review the guidelines and implementation materials for potential revisions. As part of the review process, the Committee may, as appropriate, engage with the Rules Administrator, the University Judicial Board, the Appeals Board, the broader campus community, and the President regarding whether revisions are merited. Any revisions must be approved by the Committee.

QUESTIONS OF INTERPRETATION

During an ongoing case, questions of interpretation will be considered by the Chair of the Executive Committee in consultation with the Chair(s) of the Rules Committee. If individuals involved in a case (i.e., Respondents, Rules Administrator, UJB Members, or Appeals Board members) disagree on interpretation of the Rules/Guidelines, the matter will be referred to the Rules Committee for arbitration.

RULES ADMINISTRATOR

The Rules Administrator has primary responsibility for the administration of these Rules. He/she shall maintain and have custody of the records of proceedings under these Rules; shall prepare and serve notices and other documents required under these Rules; shall accept and investigate complaints, file charges, organize informal settlements, and present evidence in support of charges to the hearing panels.

RULES CLERK
The Rules Clerk will coordinate information sharing between the respondent, Rules Administrator, and University Judicial Board; in the event of an appeal, the Rules Clerk will also coordinate information sharing with the Appeals Board and Office of the President. The Rules Clerk will be appointed by the Chair of the Executive Committee. The Rules Clerk may be contacted via email at RulesClerk@columbia.edu.

UNIVERSITY JUDICIAL BOARD MEMBERSHIP

The University Judicial Board consists of five members, one of whom shall be a student, one of whom shall be a faculty member, and one of whom shall be a staff member, as defined in Section 441i. A student is defined as an individual who has been admitted to the University as a matriculated student and enrolled full-time as defined by the student’s program.

The Executive Committee shall designate the chair of the board, as well as an alternate chair, and shall also appoint a pool of alternate board members. Appointments to the board shall ordinarily be for a term of three years, and shall be staggered to ensure continuity. The members of the University Judicial Board shall be persons from within the University, and no person otherwise concerned with disciplinary procedures may be appointed to the Board.

APPEALS BOARD MEMBERSHIP

The Appeals Board consists of three members, each of whom is a Dean of School or Division. The Executive Committee shall designate the chair of the board and shall make appointments to the board, which shall ordinarily be for a term of three years, so as to provide for staggered terms to ensure continuity. The members of the Appeals Board shall be persons from within the University.

PROHIBITED CONDUCT

The Committee affirms that the freedoms we enjoy are not boundless. The University reasonably regulates the time, place, and manner of certain forms of public expression. The right to demonstrate cannot come at the expense of the right of others to counter-demonstrate, to teach, or to engage in academic pursuits requiring uninterrupted attention. As is true of the larger community in which the University sits, the University must protect the rights of all to engage in their callings and express their own views.

The University may restrict expression that constitutes a genuine threat of harassment, that unjustifiably invades an individual’s privacy, or that defames a specific individual. These forms of expression stand apart because they do little if anything to advance the University’s truth-seeking function and they impair the ability of individuals at the University to participate in that function. The University has an obligation to assure members of its community that they can continue in their academic or professional pursuits, or employment, without fear for their personal security or other serious intrusions.

VIOLATIONS
The Rules define the limits on acceptable forms of protest. They do so by listing 20 types of activity that are considered violations and may include a broad range of behaviors that are related to, or resulting from, a demonstration such as a rally or picketing. None of the violations make any reference to the expression of opinion. They all concern actions that, for example, injure others or infringe upon the access of others to the University’s resources and programs. A violation of the Rules can occur separately from, or simultaneously with, another form of prohibited conduct.

If a person interrupts a speaker every few words, he/she prevents members of the audience from hearing the speech. The speaker must be allowed to proceed at a reasonable pace, to make coherent progress in the expression of his or her ideas. If a disruptive action effectively prevents members of the audience from adequately hearing or seeing a speaker, another’s free speech is hindered.

To learn more, we encourage you to review the Violations in their entirety in §443 OF THE RULES OF UNIVERSITY CONDUCT.

MANAGING EVENTS

The Rules define how demonstrations should be managed, creating positions for that purpose.

DELEGATE(S)

While the Rules Administrator has overall responsibility for administering the Rules, the Rules also designate Delegates as the front-line enforcers of the Rules. Delegates may be called upon to enforce these Rules by anyone subject to them, including faculty, students, and staff, or they may proceed to enforce them on their own initiative. The Rules Administrator shall be kept informed of all actions and charges undertaken by a Delegate.

SUMMONING A DELEGATE

If any member of the University community believes that participants in an assembly or other demonstration are violating the Rules, he or she should notify the appropriate Delegate(s) directly or by contacting the Rules Administrators and/or The Office of Public Safety. The Delegate(s) shall proceed to the site of the demonstration, identify themselves, and gather information (for possible transmission to the Rules Administrator), including the identities of any participants who the Delegate thinks are violating the Rules, and the facts surrounding the demonstration.

WARNING AND ADVICE

Properly identified Delegates might warn those parties whose actions they consider to be in violation of these Rules. However, a member of the University community may be charged with a violation of these Rules even if no prior warning has been given or perceived.

MEDIA CREDENTIALING
Fixed Time Period Student Media Credential: It is recommended that at the beginning of each academic year, student members of a media outlet – either (1) editorial staff of the Columbia Spectator, BWOG, or the Columbia Lion) or (2) established freelance journalists – may apply for a Student Media Credential. An application must be submitted for each correspondent during the designated time period. Applications will not be accepted at any other time of year. Applications may be found on the website for the University Senate.

Approval of an application is at the discretion of the Interschool Governing Board (IGB). If an application is denied, an applicant may submit a Request for Reconsideration and it must include additional information to the IGB.

The Student Media Credential must include: publication name (if applicable); correspondent name; UNI; photograph; date of issue (October 1, YEAR; December 1, YEAR; February 1, YEAR; May 1, YEAR), and date of expiration (May 31, YEAR). The expiration date may be extended (to August 31, YEAR) on proof of full-time enrollment in summer semester.

The purpose of the credential is merely to identify an individual as being a correspondent. The credential does not authorize access to an event, a secure area, or a high profile area.

The Student Media Credential is not transferrable and may be revoked at any time by the issuer. Reasons for revocation include, but are not limited to: using it to gain access to an event or space; transferring it to another individual.

After each application season, the list of issued Student Media Credentials should be posted on the University Senate website, and provided to the Rules Administrator and the Office of Public Safety.

Impact of Media Credentialing: Persons issued Student Media Credentials are entitled to a presumption that the holder is acting in their role as a journalist and, therefore, are not in violation of the Rules of University Conduct. However, this presumption may be overcome with evidence that shows the person’s behavior is not consistent with that of a journalist

REPORTING AN ALLEGED VIOLATION

Any member of the University who believes a violation of the Rules has been committed may file a written complaint, either on paper or electronically via U.S. mail, email, or online portal, with the Rules Administrator. The complaint shall state with particularity the person(s) involved, the nature of the offense, and the circumstances under which the offense may have been committed.

The Rules Administrator may consider requests for anonymity made by a witness and, in compelling circumstances, may withhold the name of such person. Circumstances in which this request may be granted include a reasonably based fear of retribution, harassment, or any other inappropriate response to the disclosure of such individual’s name.

An online submission form may be found on the website for the University Senate.
DISCIPLINARY PROCESS

The last section of the Rules explains the disciplinary process. The Revised Rules separate charging from sanctions. The Rules Administrator may investigate an alleged violation and may charge an individual with a violation of the Rules. If an individual accepts responsibility, the matter will proceed to the sanctioning stage with sanctions determined by the Chair of the UJB. If an individual does not accept responsibility, only the University Judicial Board may determine whether the actions of the accused were in violation of the Rules. If the panel finds the respondent responsible, the matter will proceed to the sanctioning stage by the UJB.

RIGHTS OF THE RESPONDENT

PRIVACY

The University will reveal information only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process and of the respondent. A respondent who successfully requests that a hearing be open may waive his/her rights to privacy.

ADVISORS

It is intended that the respondent will take the lead in responding to the charge(s). The respondent may be accompanied to any meeting or hearing related to an incident of misconduct by up to two advisors of his/her choice. It is not required that the same advisor(s) attend all meetings and hearings. During meetings and hearings, an advisor may talk quietly with the respondent or pass notes in a non-disruptive manner. The advisor may not intervene in a meeting/hearing and may not address the Rules Administrator or hearing panel, including by questioning witnesses, making objections, or contacting the Rules Administrator or hearing panel.

A respondent may identify and retain his/her own attorney or he/she may request information on potential volunteer advisors. The Rules Clerk may provide a list of volunteer advisors to the Respondent. It is at the discretion of the respondent to decide who they want to contact and who they want to select. The respondent is not obligated to select a volunteer advisor from the list. The choice to have an advisor, if any, is at the discretion of the respondent, as is the selection of any specific advisor.

To learn more about the role of the advisor(s), we encourage you to review §446 OF THE RULES OF UNIVERSITY CONDUCT.

SANCTIONS

The Revised Rules separate charging from sanctions. Only the UJB may issue a sanction, which includes a written warning, and it may do so only after a respondent has either accepted responsibility or has been found responsible. Any written warning, or other sanction(s), issued to a respondent by any other entity is considered to be outside the Rules
process and, therefore, not valid. However, see above for the role of Delegates in Managing Events.

Failure to comply with the sanction(s) in the designated time period may result in additional sanctions.

**TIME FRAME**

The University will seek to resolve every report of misconduct within approximately two (2) months of an incident, not counting any appeal.

**NOTICE**

The Rules Administrator will give the respondent a written explanation of his/her rights and options as soon as possible after an incident is reported. The University will also ensure that the respondent is updated throughout the investigative process, including with timely notice of meetings where the respondent may be present.

**CONFLICTS OF INTEREST**

The University requires any individual participating in the investigation, hearing, sanctioning, or appeal process to disclose to the University any potential or actual conflict of interest.

When a charge has been filed, the Rules Administrator shall inform the Rules Clerk of the charge(s). The Rules Clerk will provide, in a timely manner, a Conflict of Interest Disclosure Survey to the Rules Administrator and to the members of the hearing panels. The Rules Clerk will also provide a survey to the respondent and the respondent should provide it to their advisor(s); the respondent should return any completed surveys to the Rules Clerk. The survey may include, for example, such questions as: Do you know the respondent? Have you ever made a public statement about the issue or the respondent’s organization? Is there any reason you cannot be impartial in the matter?

If a respondent believes that any individual involved in the process has a conflict of interest, the respondent has three (3) business days from receiving notice of his/her participation to make a written request that the individual not participate. The written request must include a description of the conflict and be submitted to the Rules Clerk.

The Rules Clerk will forward any requests and any affirmative survey answers to the Executive Committee of the University Senate and, if approved, the individual with a conflict will be replaced as follows:

1. The Chair of the UJB
   The Chair of the UJB will be replaced by, if available, the Vice Chair of the UJB. If the Vice Chair is not available to serve, the Chair of the UJB will designate a new Chair, from either the UJB or the pool of alternates, for the respondent’s case.

2. Other Members of the UJB
The Chair of the UJB will select a replacement from the pool of alternates for the respondent’s case.

3. Chair of the Appeals Board
The Chair of the Appeals Board will be replaced by, if available, the Vice Chair. If the Vice Chair is not available to serve, the Chair will designate a new Chair, from either the sitting Appeals Board or the pool of alternates, for the respondent’s case.

4. Members of the Appeals Board
The Chair of the Appeals Board will select a replacement, from the pool of alternates for the respondent’s case.

5. The Rules Administrator
An Assistant Administrator will be appointed by the President after consultation with the Executive Committee of the University Senate and shall oversee the respondent’s case.

To learn more, we encourage you to review the Rights of the Respondent listed in §446 OF THE RULES OF UNIVERSITY CONDUCT.

INVESTIGATION PROCESS

The Rules Administrator is required to gather information in relation to a particular allegation and to carry out a thorough investigation of a complaint. If the Rules Administrator is away when a complaint is filed, the Rules Administrator may submit a request to appoint one or more Assistant Administrators who may act in his/her stead until he/she returns. The request should go to the President who will, in consultation with the Executive Committee of the University Senate, appoint an Assistant Administrator to serve until the Rules Administrator returns. If feasible, the Assistant Administrator must keep the Rules Administrator apprised of all aspects of the case until the Rules Administrator returns. Persons otherwise concerned with the disciplinary procedures of a particular school or division may not be appointed as the Rules Administrator or an Assistant Administrator.

PRIOR CONDUCT BY RESPONDENT

The Rules Administrator may consider the respondent’s prior conduct if the respondent was previously found to be responsible, or the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent. Under such circumstances, a respondent may receive enhanced sanctions.

EXTERNAL INVESTIGATIONS

The University may need to temporarily delay an investigation while law enforcement is gathering evidence, but it will resume the investigation after it learns that law enforcement has completed its evidence gathering and will generally not wait for the conclusion of any related civil or criminal proceeding.

INITIAL ASSESSMENT OF COMPLAINTS
The Rules Administrator must determine whether there is substance to a complaint that an individual has violated the Rules. If the Rules Administrator dismisses a complaint for being without merit, he/she will notify the complainant and the respondent in writing; no record will be maintained.

PLANNING AN INVESTIGATION

If an investigation proceeds, the Rules Administrator will notify the respondent, and the Rules Clerk, in writing of the allegation(s). The respondent should be informed that he/she may not attempt to discuss the matter with the complainant. If the respondent does, he/she may be charged with violations including under other codes such as violations of the Student Code of Conduct.

The Rules Administrator will conduct interviews and will gather pertinent information and documentation. The Rules Administrator will direct the respondent, witnesses, and other interested individuals to preserve any relevant evidence.

HOLD PLACED ON AN ACCOUNT

The Rules Administrator shall inform the Rules Clerk when an investigation commences (and/or a charge has been filed) against a respondent. The Rules Clerk will inform the Dean of the relevant school(s) that an investigation is commencing. At that point, the UJB Chair may request that the Dean(s) place a hold on a respondent’s account. Having a Hold may prevent a respondent from receiving, for example, a diploma, transcripts, Academic Certifications, etc.

The hold may remain in place until (1) the investigation (or subsequent charge) is resolved (e.g., no charges are filed, the charges are dropped, or the respondent is found not responsible); or (2) all sanctions have been completed.

CONDUCTING INTERVIEWS

The Rules Administrator should interview any person identified who may be able to provide information relevant to the investigation, but he/she will not interview witnesses whose sole purpose is to provide character information.

All witnesses should be advised of a suitable meeting date and be given reasonable notice. The witness should be advised that the purpose of the meeting is to discuss in detail his/her account of a particular incident or allegation.

The Rules Administrator may have an assistant available to take detailed notes of the meeting for use with the investigation and, where appropriate, for use with drafting a witness statement.

During the meeting, the Rules Administrator should explain the context of the interview; advise for what purpose the meeting notes and subsequent statement may be used; explain
how and when the interviewee may review the notes or statement; reiterate the importance of confidentiality; and explain the next steps.

**WITNESS STATEMENTS**

Any notes taken during the investigation interviews may be typed and verified and signed by the witness. This is essential if a written witness statement is not prepared. Witnesses should be made aware that the investigatory notes are not verbatim and are instead a record of the discussion. Witnesses should be advised that if they wish to make any amendments to the written notes that these should be included in a separate document. If a witness statement is prepared, the witness must be given the opportunity to review the statement and sign to confirm if they accept it to be a true and accurate version of events.

**DECLINING TO PARTICIPATE**

Respondent Declines to Participate: A respondent may decline to participate in the investigation or adjudication process. The University may continue the process without the respondent’s participation. In most cases, a refusal to participate in the investigation process will preclude a respondent from participating before the hearing panel.

Witness Declines to Participate: If a witness refuses to participate, where possible, the Rules Administrator may meet with the witness to find out the reasons why they do not wish to participate, to discuss the process which will be followed, and to provide reassurances of the support which will be available to the witness. The University may continue the process without a formal statement by the witness.

**INFORMAL RESOLUTION**

The Rules Administrator may seek to resolve certain cases through an informal process with the respondent. This type of informal resolution can take place during the investigation or after its conclusion. If these efforts are unsuccessful, the disciplinary process will continue.

If these efforts are successful and either charges were not filed or charges were dropped after informal resolution, the Rules Administrator shall inform the Rules Clerk of the investigation and its outcome.

**PREPARING AN INVESTIGATION REPORT**

If a charge is filed against the respondent, the Rules Administrator will prepare an Investigation Report, which will include a review of all relevant evidence gathered during the investigation. This may include, but is not limited to, notes from interviews, witness statements, copies of correspondence, photographs, transcripts of audio/video recordings, relevant policies and procedures, and evidence of custom and practice, etc.

The Rules Administrator should be mindful of document management issues ensuring that original documents are maintained as master file copies, and that information on the source of a document is noted appropriately. A sample Investigation Report may be found in the
When a charge has been filed, the Rules Administrator shall inform the Rules Clerk of the charge(s) and provide the complete Investigation Report. The Rules Clerk will coordinate information sharing with the respondent, Rules Administrator, and University Judicial Board.

**RESPONDENT’S RESPONSE TO THE INVESTIGATION REPORT**

After the respondent has had an opportunity to review the Investigation Report and related material, the Rules Administrator will ask the respondent to respond to the alleged violation in one of the following ways: (1) Responsible; (2) Not Responsible; or (3) No Response. If the respondent accepts responsibility, the matter will proceed to the sanctioning stage, followed by any appeals.

**ADJUDICATION PROCESS**

If the respondent declines responsibility, or chooses not to respond, the matter will proceed to the hearing stage. If the respondent selects not to respond, this shall not be considered to be an admission of responsibility.

The Rules Administrator will submit the charge(s) to the University Judicial Board (UJB). The UJB shall hear all charges of violations of these Rules and will determine whether the respondent is responsible or not responsible for a violation of the Rules.

**PREPARING FOR THE HEARING**

The Rules Administrator should inform the respondent of who will be on the hearing panels, including any substitutions, for the respondent’s case.

File Review: In preparation for the hearing, the Rules Administrator and the respondent will have the opportunity to review any written, recorded, photographic, or digital submissions by the other. To schedule an appointment, the respondent should contact the Rules Administrator’s office.

Consulting an Advisor: The respondent may consult with his/her advisor(s) who may assist the respondent with his/her preparation for the hearing. Although advisors can answer questions about the adjudication process and are able to provide guidance in regard to general preparation of submissions and for the hearing, the primary responsibility to prepare for the hearing belongs to the respondent. To learn more, we encourage you to review the Rights of the Respondent listed in §446 OF THE RULES OF UNIVERSITY CONDUCT.

Written Submissions: The respondent may prepare a written statement for the hearing process. This statement must be completed by the respondent and should outline his/her perspective on the allegations and the incident as a whole. The hearing panel may set reasonable parameters for these written submissions.

**DETERMINING THAT A HEARING IS NOT NECESSARY**
The UJB may determine that a hearing is not necessary when all panel members agree that the information in the Investigation Report and the written submissions (if any) is sufficient to make a determination (for example, where the respondent does not dispute relevant facts).

These scenarios help illustrate application of The Rules.
1. Respondent decides to accept responsibility and requests that the UJB proceed to the sanctioning stage. If the UJB grants the request and agrees to not hold a hearing, the panel will proceed directly to the sanctioning stage, including an explanation of why a hearing is not necessary.

2. Respondent does not dispute the relevant facts and requests that the UJB proceed directly to make a determination of responsibility. If the UJB grants the request and agrees to not hold a hearing, the panel will proceed directly to make a determination, including an explanation of why a hearing is not necessary.

CONDUCTING A HEARING

Respondent not able to be present for a hearing: When a respondent is not able to be present for a hearing, arrangements may be made for participation via alternate means. The respondent must submit a request in writing to the University Judicial Board. The request must include a reason for the respondent not being able to attend the hearing. It is at the discretion of the Chair of the University Judicial Board to approve the request and to provide an alternate means for participation.

Request for Open Hearing: A respondent may request in writing to the University Judicial Board that a hearing be open to the public. Only the panel may determine whether to grant the request. The panel may consider: (1) the risk to public safety, including to witnesses who may be called, and (2) the effect on the campus community, including on particular individuals and organizations.
A respondent who successfully requests that a hearing be open may waive his/her rights to privacy. To learn more, we encourage you to review the Records Disclosure in its entirety in §451 OF THE RULES OF UNIVERSITY CONDUCT.

Hearing Attendees: Unless a respondent successfully requests that a hearing be open, the hearing is a closed proceeding, meaning that the only individuals who may be present in the hearing room during the proceeding are: the panel members, the Rules Administrator, the respondent, their respective advisors, witnesses (when called), and necessary University personnel. While there is no dress code for the hearing, appropriate attire is recommended.

Calling Witnesses: Prior to the hearing, the Rules Administrator and Respondent will have an opportunity to submit a list of witnesses who they might call at the hearing. The list(s) will be shared with the other and with the UJB. At the hearing, the Rules Administrator and Respondent may call any person on the list(s). Witnesses may decline to participate and cannot be compelled to appear before the UJB.

Conflict of Interest Survey: At the beginning of a hearing, the UJB Chair will remind the respondent of the opportunity for he/she, and his/her advisor(s), to complete a Conflict of
Interest Survey.

Cell phones and recording devices may not be used in the hearing room unless approved by the panel in writing in advance. Any individual with an unapproved device may be asked to leave by the chairperson of the UJB.

To learn more, we encourage you to review the Hearing Process in its entirety in §448 OF THE RULES OF UNIVERSITY CONDUCT.

DETERMINING RESPONSIBILITY

Following the investigation and review of the evidence in the case, a determination is rendered regarding whether the respondent is responsible for the violation(s). Each case is determined on the merits based on the facts of the case. Only the University Judicial Board may determine whether the actions of the accused were in violation of the Rules.

Standard of Proof: The panel will use “preponderance of the evidence” as the standard of proof to determine whether a violation of the Rules occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue. University policies are action-based; therefore, intent is not a factor when making a determination of responsibility. Intent may be considered when a sanction is issued.

The panel will find a respondent responsible, or not responsible, based on a majority vote. The panel will generally render a decision within five (5) business days after the conclusion of a hearing. The panel’s decision will include an explanation of the basis for the decision.

If the panel finds the respondent responsible, the matter will proceed to the sanctioning stage. The timing of the sanctioning stage, in relation to the hearing held to determine responsibility, is at the discretion of the UJB Chair.

DETERMINING SANCTIONS

If a respondent accepts responsibility, the sanctioning will be designated to the chairperson of the University Judicial Board (or his/her designee).

If the UJB finds a respondent responsible for a violation, the UJB will also render a sanctioning decision.

The UJB will impose sanctions that are: fair and appropriate given the facts of the particular case; consistent with the University’s handling of similar cases; and adequate to protect the safety of the campus community. Similar offenses may result in different sanctions where there are distinguishing facts and circumstances in the opinion of the University Judicial Board.

The UJB may:
call witnesses (from the list(s) of witness provided by the Rules Administrator and respondent) whose sole purpose is to provide character information;
--interview the Respondent regarding factors of intent; and
--may consider the respondent’s prior conduct if the respondent was previously found to be responsible, or the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

The sanctioning decision will be communicated in writing to the Rules Clerk who will communicate with the respondent. The transmission must include (1) the sanction(s); and (2) the reasoning behind the imposed sanction(s).

A hold may remain in place until all sanctions have been completed.

Failure to comply with the sanction(s) in the designated time period may result in additional sanctions.

For an academic hold in place until sanctions are completed, the hold may be lifted temporarily only to permit course registration, if appropriate (e.g., where a respondent was not suspended but received other sanctions).

The UJB Chair or UJB Panel may inform the Dean of the relevant school(s) for the purpose of implementation of UJB-issued sanctions.

To learn more, we encourage you to review the Sanctions in their entirety, and how they are determined, in §449 OF THE RULES OF UNIVERSITY CONDUCT.

PREPARING A REPORT OF THE UJB’S DETERMINATION

If a respondent accepted responsibility, the chairperson will transmit his/her sanctioning decision in writing to the Rules Clerk and the respondent. The transmission must include (1) the sanction(s), if any; and (2) the reasoning behind the imposed sanction(s). A sample UJB Chairperson Sanctions Form may be found in the appendix of this guidance document.

If the respondent’s case was submitted to the UJB panel for consideration (with or without a hearing), the panel will transmit its determination to the Rules Clerk and the respondent. The transmission must include (1) the finding of the respondent as responsible or not responsible; and (2) the reasoning behind the finding. The transmission must also include (1) the sanction(s); and (2) the reasoning behind the imposed sanction(s). A sample UJB Findings & Sanctions Form may be found in the appendix of this guidance document.

The transmission may include the date of the decision, the decision-maker (e.g., UJB Chair, UJB), documents and information considered, and the right of appeal.

APPEALS PROCESS

An online appeal form may be found on the website for the University Senate. In addition to submitting the online Appeal Request Form, the appellant may submit a Word document or
PDF up to five (5) single-spaced pages in length, using twelve (12) point Times New Roman font and one (1) inch margins. The appellant may also submit supporting documentation such as photos, video, email, and other relevant documents.

APPEAL FROM UJB TO THE APPEALS BOARD

The Appeals Board shall hear all appeals from decisions or sanctions imposed by the University Judicial Board or by the Chairperson of the UJB. The Appeals Board may overturn, affirm, or revise the decision, and it may overturn, affirm, or lessen the sanction.

APPEAL FROM THE APPEALS BOARD TO THE PRESIDENT

A final appeal may be made to the President for clemency or review, which the President may hear in his/her discretion.

To learn more, we encourage you to review the Appeals information in §450 OF THE RULES OF UNIVERSITY CONDUCT.

RECORDS

RECORD KEEPING & RETENTION

The Rules Administrator shall maintain and have custody of the records of proceedings under these Rules. The file must be stored securely to prevent unauthorized access, damage or alteration, and to main confidentiality.

Individuals Found Responsible: A central investigation file, which is a complete record of an investigation, will be maintained on respondents found to be responsible. A Rules violation file generally documents every step and contains: a description of the alleged violation, supporting documentation, written statements, notes of interviews, hearing transcripts, and official case-related correspondence.

The University will maintain the files and release information contained in those files with appropriate permission for seven years from the date of the incident. After the maximum file retention period, the files will no longer be reportable except in cases resulting in suspension or expulsion, which are retained indefinitely.

Individuals Investigated for Potential Violations: The Rules Administrator may retain information about investigations, warnings (if any), and related interactions regarding individuals who have been investigated in connection with potential rules violations. The retention of this information (including the name and identifying information of the respondent) would be for the purpose of identifying and evaluating allegations of repeat offenses by the same individual under the Rules, as guided by Section 447. This identified information may be maintained for seven years from the date of the incident.

Further, to ensure that charges filed by the Rules Administrator and sanctions imposed by the University Judicial Board are consistent with the University’s handling of similar cases, the Rules Administrator will maintain a record of violations and sanctions (and provide to
members of the UJB a record of any similar past cases), with the names and any other identifying information of past respondents removed.

**RECORDS DISCLOSURE**

To learn more, we encourage you to review the Records Disclosure in its entirety in §451 OF THE RULES OF UNIVERSITY CONDUCT.