

Resolution Procedures

I. Resolution Procedures

A. Administrative Hearing

1. The Parties will be given an opportunity to provide the SCA with relevant documents and information that the Party wishes the SCA to consider before making its decision.
2. If a SCA retains the case, the SCA may conduct Information Gathering Meeting(s) to gather information relevant to the Complaint from the Parties and fact Witness(es) before making a determination regarding the outcome.
3. The SCA will determine whether, based on the evidence, it is more likely than not that the Respondent engaged in conduct in violation of the Code. If the Respondent is found responsible for a Code violation, the SCA will determine appropriate Sanctions to be imposed based on the violation(s) found. The SCA will issue a written decision to the Respondent via their University email address.

B. Student Conduct Board Panel Hearing

1. OSCCS shall refer any case in which the Sanctions may include Suspension or Expulsion to the SCB. In its sole discretion, OSCCS may refer any other Complaint to the SCB.
2. OSCCS will send a notice of a scheduled Pre-Hearing Support Meeting to the Respondent. In this meeting, the Respondent will have an opportunity to discuss the Complaint with OSCCS. Additionally, OSCCS will outline the proceedings of an SCB Panel Hearing and answer any questions of the Respondent. The role of OSCCS in a Panel Hearing is to guide the Parties at every stage of the proceeding.

3. If the case is referred to a SCB Panel Hearing, OSCCS will send the Parties notification via their University email address of the referral as well as information regarding the Pre-Hearing and Panel Hearing procedures.
4. SCB Panel Hearings will be conducted in potentially two phases: the Phase 1- Responsibility Hearing and the Phase 2 – Sanctions Hearing.
 - a. Phase 1 – Responsibility Hearing: The purpose of a Phase 1 Hearing is for the SCB Hearing panel to determine whether it is more likely than not that Respondent engaged in behavior in violation of the Code Offenses identified in the Notice of Complaint.
 - b. Phase 2- Sanctions Hearing: The purpose of Phase 2 Hearing is for the SCB Hearing panel to determine appropriate Sanctions to be assigned to or imposed on the Respondent. If a SCB Hearing panel finds the Respondent responsible for a Code violation or if the Respondent has admitted to a Code violation, the SCB Panel Hearing will proceed to a Phase 2 Hearing only.

C. Informal Resolution

1. Upon request of a Party, the SCA may offer the Parties the opportunity to participate in an informal resolution procedure such as an informal mediation or a facilitated conversation. The decision whether to offer Informal Resolution is at the sole discretion of the SCA.
2. The SCA may determine that Informal Resolution is not an appropriate option based upon the nature of the case, even if both Parties make such a request.
3. An Informal Resolution must be voluntary, with both Parties providing written consent to such a procedure. Each Party must participate in good faith to resolve the matters in dispute.

4. Prior to agreeing to a resolution reached during the Informal Resolution procedure, any Party has the right to withdraw from the informal resolution and request a SCB Panel Hearing or an Administrative Hearing.
5. At the conclusion of the Informal Resolution procedure, if the Parties agree that the matters in dispute in the Complaint have been resolved, the Parties must sign a written acknowledgement and provide it to the SCA.
6. By signing such an acknowledgement, each Party waives their right to resume the formal Complaint procedure or initiate additional Complaints arising from the same set of facts.

D. Alternative Resolution

1. An Alternative Resolution, including but not limited to an ECaB, is utilized by the University in response to a report when there is not enough information presented to file a Complaint for alleged violation of the Student Conduct Code against a Student.
2. A meeting will be held in which the Student will meet with the Student Conduct Administrator to discuss the circumstances of the Complaint and steps for resolution.

II. Miscellaneous Provisions

A. Support Persons

1. Any one person chosen by one of the Parties, or Witness to accompany them at any meeting or interview throughout the student conduct procedure. A Support Person will serve at the Student's own expense and may include, for example, a friend, faculty member, advisor, or parent. The function and role of the Support Person is to provide support, advice, or assistance to the person requesting their presence. The Support Person shall not be permitted to actively participate in any part of the procedure and may not serve as a fact Witness or a Party in

the proceedings. Therefore, if the individual personally witnessed the events at issue or has other information relevant to the factual circumstances, they may not serve as the Support Person.

B. Pendency of Legal Proceedings

1. The pendency of any case arising from an incident alleged to constitute a violation of the Code in any municipal, state, federal court, or agency shall not bar or postpone proceedings under the Code unless (1) OSCCS elects to defer proceedings until a final resolution of the case in the court or agency system; or (2) with the exception of allegations involving sexual harassment or sexual assault set forth below, the Respondent has been charged with a felony offense and requests a deferral of the Student Conduct Code proceedings. The request for deferral shall result in the Respondent's immediate administrative withdrawal from Student status and ban from all University premises until the matter is heard and resolved under the Code. The Respondent's request must precede the initiation of a SCB Panel Hearing. In cases involving allegations of sexual harassment or sexual assault, the University will ordinarily not delay its investigation if criminal charges are filed. At the request of law enforcement authorities, however, the University may postpone the University investigation and proceeding while the authorities gather evidence.

C. In-absentia Parties:

1. If a Complainant fails to attend or participate in meetings, Panel Hearings, or other proceeding required by the Code, the Complaint may be resolved as follows:
 - a. The SCA or the SCB Chair may choose to postpone the Pre-Hearing, SCB Panel Hearing or Administrative Hearing;
 - b. The University may decide to serve as the Complainant; or

- c. The SCA may dismiss the Complaint at its sole discretion.
 2. If a Respondent fails to attend or participate in meetings, Panel Hearings, or the proceedings required by the Code, the Complaint may be resolved as follows:
 - a. The SCA or the SCB Chair may choose to postpone the scheduled Pre-Hearing, SCB Panel Hearing or Administrative Hearing;
 - b. The SCA may place a Hold on the Respondent's student record if a Hold has not already been implemented; and/or
 - c. The University may move forward with resolution of the Complaint using the University Student Conduct Code Procedures, even in the absence of the Respondent. Decisions may be issued regarding the Respondent's responsibility for the allegations and Offenses set forth in the Notice of Complaint, and if a violation is found, Sanctions may be imposed.
- D. If a Respondent decision not to provide their own version of events to the Decision-Maker, the Decision-Maker may, but is not required to, draw adverse inferences from the Respondent's decision.
- E. Hold on Student's Record
 1. At any time after a Complaint is received, the University may place a student conduct Hold on the Student's record until resolution of the case or until Sanctions have been completed. An administrative action that prevents a Student from registering for classes, dropping or adding courses, withdrawing, changing grade options after registration and obtaining an official transcript. A Student who has a pending student conduct matter will not have their degree conferred until the matter is fully resolved.

F. Respondent Withdrawal from University

1. If at any time after the University receives a Complaint and prior to the resolution of the case, the Respondent withdraws from the University, the Respondent should expect the University to complete the case, with or without the Respondent. The Respondent will not be eligible for reinstatement, re-enrollment, or a University degree until the resolution of the case and/or any applicable Sanction(s) have been completed. A notation on the Student's transcript and a student conduct Hold will be placed until resolution of the case. If a Respondent withdraws from the University while any appeal initiated by the Respondent is pending, the Respondent's withdrawal from the University shall constitute a withdrawal of the appeal, and the finding from the last decision shall become final.

G. Confidentiality of Student Conduct Proceedings

1. The SCB Hearing panel and all University Community Members who are involved in a student conduct proceeding under the Code are expected to maintain the confidentiality of those proceedings and any information learned during those proceedings. All documents or information obtained during the course of a student conduct proceeding must be held in strict confidence by the SCB Hearing panel. The Parties in attendance at Panel Hearings are strongly encouraged not to disclose information obtained other than to their Support Person, family members, or health care provider. SCB Hearing Panel members shall not share any information except in the confidentiality of Panel Hearing deliberations. This does not limit the ability of the OSCCS to share information, if there is a legitimate educational interest, to other university officials. A Student who discloses confidential information obtained during a Panel Hearing will be subject to a conduct charge. This includes a Student who breaches confidentiality by disclosing information to retaliate against another person.

2. Proceedings under the Student Conduct Code are not open to members of the public.