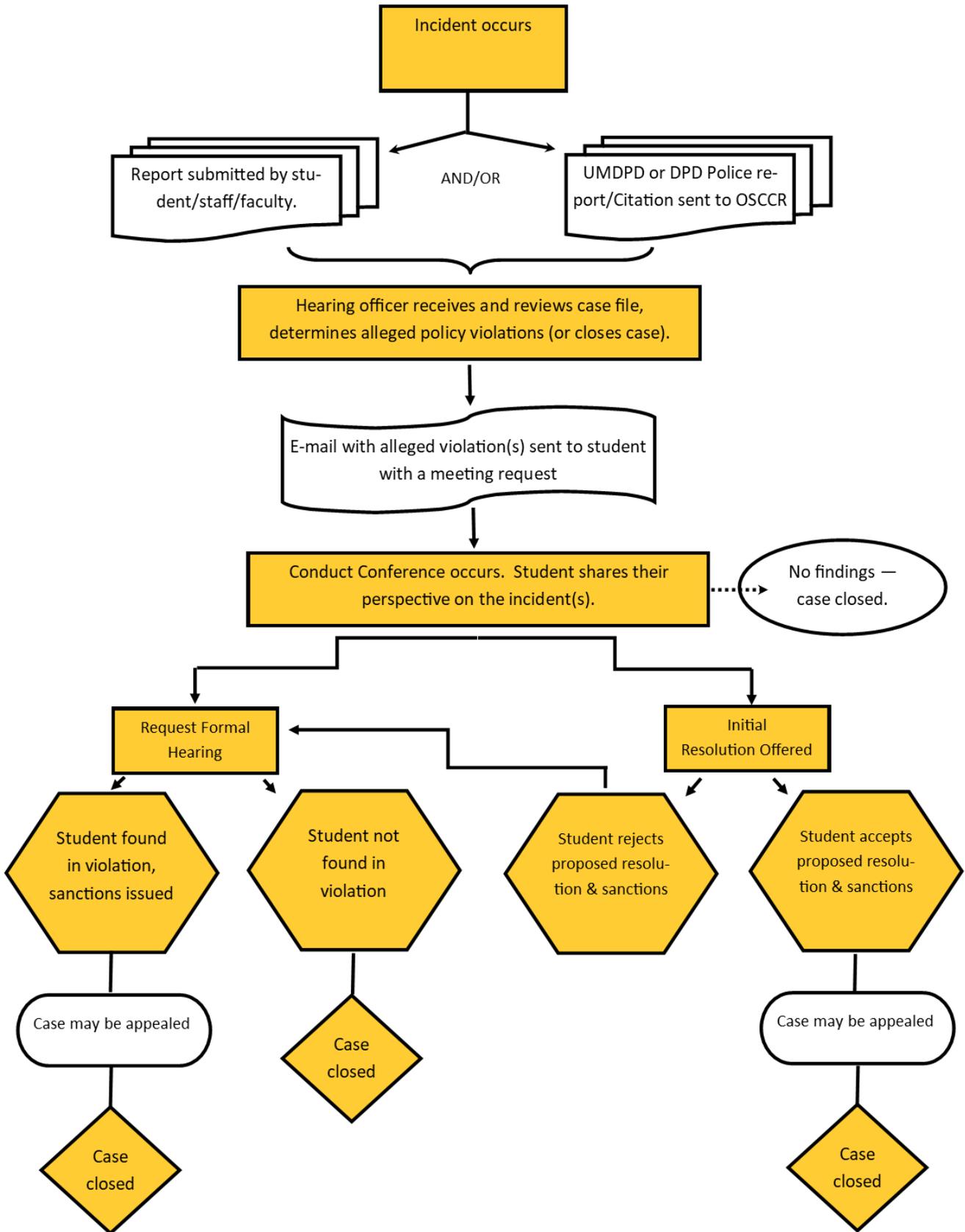


# Duluth Campus Primary Procedure for Student Conduct



The Office of Student Conduct & Conflict Resolution (OSCCR) will facilitate a prompt, fair, and impartial process from the initial report/referral to the final result. The process is conducted by officials who do not have a conflict of interest or bias against the parties involved. Reports concerning student behavior are made by faculty, staff, students, UMDPD and DPD. When a report is received, if the information in the report suggests a possible violation of the Student Conduct Code, this procedure is enacted. In some cases, more information is needed and OSCCR will conduct an investigation, including interviews with any relevant parties, before beginning the conduct process. OSCCR encourages initial resolution of student conduct cases. OSCCR contacts the Respondent via UMD e-mail with fair and timely notice of the allegations, and a meeting request to begin the first level of possible resolution. The student conduct process is comprised of the following three levels, though many cases are resolved at the first level. At every level, the standard of review used for decision-making is preponderance of the evidence.

### **Level 1: Initial Hearing (Conduct Conference)**

During the Conduct Conference, the incident report and the rights and responsibilities of the respondent are reviewed. Questions regarding the conduct process are answered. A respondent may then:

1. Accept the initial resolution and request the hearing officer take appropriate action.
2. Reject the initial resolution and invoke their right to a formal hearing with the Student Hearing Panel.
3. If during the administrating hearing, the hearing officer finds that no violation of the Student Conduct Code occurred, no further action will be taken and the case will be closed.

NOTE: A student may take up to five calendar days to accept or reject the initial resolution offered in the Conduct Conference. At the expiration of five calendar days, any lack of response will be deemed an acceptance of the resolution.

NOTE: Failure to attend a Conduct Conference may result in (1) a hold being placed on the respondent's account, and/or (2) a decision rendered in the respondent's absence. For more information about Conduct Conference procedures, please review the [Conduct Conference Guide](#)

### **Level 2: Formal Hearing**

The Student Hearing Panel (SHP) is the formal hearing body at UMD. SHP assists in implementing the Board of Regents: Student Conduct Code. SHP is comprised of trained students, staff, and faculty. Members are appointed by OSCCR. This is done through referrals and selection with appointments made for a semester or longer. The hearing panel is chosen for each hearing based on its availability in scheduling. The chairperson may be a student, staff, or faculty. The Director for The Office of Student Conduct & Conflict Resolution, or designee, serves as Secretary to SHP in order to provide procedural clarity and direction but is not a participating member in the deliberations.

If a student invokes their right to a formal hearing, the case will be referred to the SHP. A fair and timely notice of the hearing will be provided to the respondent, and if applicable, the complainant, in advance of the hearing. The hearing is closed. Parties may have up to two advisors present during the hearing, but these advisors cannot actively participate in the hearing process. Advisors may be an attorney, advocate, support person, or any other individual of the student's choosing with the exception of those who are witnesses with information about facts material to the underlying case.

The respondent may choose not to appear at the hearing, but the hearing will be held in the respondent's absence.

The respondent is expected to provide the hearing panel with the following at least 24 hours prior to the hearing: any material, the names of witnesses, if any, as well as the parties intentions relative to appearing/participating in the hearing and the names of advisors, if any, and a description of their relationship to the advisor.

The panel determines a finding of not responsible or responsible with appropriate sanctions. The Student Hearing Panel has autonomy in their decisions, through expulsion. For more information about formal hearing procedures, please review the [Formal Hearing Guide](#).

### **Appeals**

After a decision is made by the hearing officer or Student Hearing Panel, the respondent has the right to file an [appeal](#). Appellate review generally is a review of the record to determine whether a serious error occurred in the original proceeding that resulted in unfairness. Appellate review respects the credibility judgments of the hearing body, and respects the hearing body's determinations

as long as there is evidence to reasonably support them. The Student Appeals Panel (SAP) is responsible for making a deliberative judgment regarding the specific grounds appealed - not to rehear the complaint.

Appeals must be made in writing within 5-week days of the date of the outcome letter using the [appeal petition](#). Appeals may be based on the following grounds:

- New information became available that was not known at the time of the hearing;
- A major procedural error was made, or;
- The sanction assigned was inconsistent with current sanctioning.

The Student Appeals Panel will convene to review the appeal. To decide an appeal, the appellate body reviews the written appeal submitted by the appellant and may review any or all portions of the record as appropriate to decide the appeal. The panel may uphold, reduce or increase sanctions imposed by the prior hearing party or remand the case to be heard by a new hearing body. The Student Experiences Committee administers the appeals process and the Committee has the authority to appoint additional appellate body members from the campus community to serve on SAP per UMD Shared Governance Bylaws. There is one campus-wide appeal of a finding of a violation. For more information about appeals, please review the [Appeals Guide](#).

### **Student Rights**

The University will protect the rights of all parties involved to the best of its ability. The rights of parties involved are delineated in [Board of Regents policy: Resolving Alleged Student Conduct Code Violations](#).

### **Outcome of charges**

Outcomes of charges are communicated to the student(s) via UMD e-mail.

### **Sanctions**

A sanction is the outcome of a determination of responsibility. In most cases, two sanctions are issued. First, a status-based sanction is decided. This could include a warning, probation, suspension, or expulsion. Then, an educational sanction is decided. Educational sanctions are unique to each case and attempt to best suit each individual's needs. A full range of possible sanctions is provided in [the University of Minnesota Board of Regents Student Conduct Code](#): [https://regents.umn.edu/sites/regents.umn.edu/files/policies/Student\\_Conduct\\_Code.pdf](https://regents.umn.edu/sites/regents.umn.edu/files/policies/Student_Conduct_Code.pdf)

### **Privacy**

Students in the student conduct process are afforded privacy in accordance with state and federal laws. Student conduct records are considered student education records which are handled in accordance with [this System policy](#): [https://regents.umn.edu/sites/regents.umn.edu/files/policies/Student\\_Education\\_Records.pdf](https://regents.umn.edu/sites/regents.umn.edu/files/policies/Student_Education_Records.pdf).