

3359-41-03 Investigation of student misconduct.

- (A) In all cases of reports of student misconduct that are serious enough to warrant possible disciplinary action resulting in formal disciplinary probation, suspension or dismissal, the incident shall be investigated by the associate vice president and dean of student services or his/her agent. Reports of alleged misconduct may originate from university faculty or staff, university students, university police officers, area residents, or off-campus governmental law enforcement agencies.
- (B) The fact-finding procedures shall be as follows:
 - (1) The student named as being in violation of university rules shall be requested in person or by certified mail to his/her last known address to come to the office of the associate vice president and dean of student services or to the office of ~~the representative of the dean of student services~~ his/her agent. Where practicable, the university shall seek confirmation of this notice from the student.
 - (2) On his/her appearance there, s/he shall be informed of the report that alleges violation of university rules and regulations.
 - (3) S/He shall be requested to make a statement concerning the reported violation, but prior to this request the student shall be informed that:
 - (a) S/He is not required to make a statement, and
 - (b) Any statement he may wish to make can later be used in disciplinary proceedings, and
 - (c) S/He has the right to have counsel (as limited herein).
 - (4) (a) The university prefers to develop responsible student conduct through counseling, guidance, admonition, and example, and it prefers, therefore, to proceed carefully but informally whenever possible. However, if the student so desires, s/he may bring an advisor or an attorney with him/her to any discussion or investigation in which the student is informed of the charge of alleged misconduct. Conferences with the student (and, if s/he chooses, with his/her counsel) are designed to develop in depth all facts pertinent to the alleged misconduct. Upon completion of these conferences and the assembling of factual information, the fact-finding procedures shall be terminated if both of the following elements are present.
 - (i) The student denies the alleged misconduct, and

- (ii) Based on the evidence presented, no university rule or regulation was violated.
- (b) If these conditions prevail, the student shall be informed that the matter is closed with no prejudice to him/her or his/her record.
- (5) When conferences and investigations reveal that there is probable cause that the student has in all likelihood violated university rules and regulations as demonstrated by the facts or by admission of complicity:
 - (a) The student shall be given an opportunity to explain his/her involvement.
 - (b) The associate vice president and dean of student life or his/her agent may find that there is sufficient evidence that the student is responsible for violating university rules and issue a sanction. If the student agrees that s/he is responsible and agrees to abide by the sanction issues, then a record of the disciplinary action is made and the matter is closed.
 - ~~(b)(c)~~ If the student does not agree with the finding of responsibility or the sanction, or if the associate vice president and dean of student life or his/her agent deems appropriate, the case is referred to the university hearing board. An explanation and all ~~This explanation plus~~ evidence revealed by investigation shall be reduced to a comprehensive, detailed, written report which shall be submitted to the associate vice president and dean of student services for transmission to the university hearing board, or
 - ~~(e)(d)~~ The student if an adult, or the student if a minor and his parents or guardian, may request in writing that the case be heard, and the ~~penalty~~ sanction assessed, in confidential session with the associate vice president and dean of student services or his/her ~~representative~~ agent. The dean or his representative may deny the request and refer the matter to the university hearing board.
 - ~~(d)(e)~~ The procedures of the university hearing board shall be described to the student.
- (6) If it appears that the matter will be referred to the university hearing board,
 - (a) The student shall be informed that the university hearing board will meet at a date not to exceed thirty business days from the date of the conference. When necessary for scheduling purposes, the university reserves the right to continue the date of the hearing board beyond thirty business days.

- (b) A general description of the charges to be heard by the university hearing board will be given the student.
- (7) When the case has been referred to the university hearing board by the associate vice president and dean of student services or his/her agent, the board shall schedule a hearing.
- (8) ~~The student if an adult, or the student if a minor and his parents or guardian,~~ shall be informed in writing by the associate vice president and dean of student services or his/her agent of the time and place of hearing, the specific university rule or regulation that the student is charged with violating, and the facts surrounding the incident on which rest the charges against the student.
- (9) If the student fails to respond to the summons to appear in the office of the associate vice president and dean of student services or that of his/her ~~representative~~ agent for the implementation of the fact-finding procedures, and if the investigation reveals that there is probable cause that the student has in all likelihood violated rules and regulations as demonstrated by the facts, the associate vice president and dean of student services or his/her representative shall promptly refer the matter to the university hearing board.