

OVERVIEW OF DUE PROCESS RIGHTS

The university will make an initial determination as to whether there is a sufficient basis to believe that a violation of the Code of Conduct may have occurred. The investigating officer may interview the complainant and/or other witness or request additional information from the complainant.

If the student(s) referred live in the residence halls, or the conduct violation occurs in the residence halls, the referral will be investigated by the Director of University Public Safety. If the student(s) live off campus and the behavior occurs elsewhere than a residence hall, the investigation will be conducted by the Director of University Public Safety. If the accusations seem unwarranted, the investigating officer may discontinue the referral. A written response will document why the referral was not pursued.

Student Rights

1. If you are referred, you will receive a notification of referral e-mail which will review the nature of the allegations and conduct code violations, a copy of the incident report detailing the alleged misconduct, a link to the the Student Handbook section detailing your rights, and a request to meet with an Administrative Hearing Officer. **(Note: All communication regarding Code of Conduct violations will be via SMSU e-mail)**
2. You will receive a timely hearing.
3. If you are referred, you are **strongly** urged to make an appointment with the Coordinator of Student Judicial Affairs and attend the hearing. If you do not, the hearing will still occur without the benefit of your input and sanctions will be applied as appropriate.
4. You are not required to admit accountability for any behavior during a hearing.
5. You may provide witnesses to testify on your behalf.
6. The Coordinator of Student Judicial Affairs (or designee) determines a referred student's accountability in a hearing based on the preponderance of the information and evidence presented.
7. You may bring in a third party to act as an advisor if desired. Examples of such an advisor could include another student, a staff or faculty member, or attorney.¹ This advisor is not an active participant in the hearing and may not engage in questioning or interrogation of other parties. The advisor's function is one of support to you: the advisor may suggest areas of questioning for you to pursue, may seek clarification of particular questions so that you might most accurately respond, or may assist you in fully conveying your input to the Coordinator.
8. Reasonable sanctions and expectations will be established which will directly relate to the behaviors that caused the referral.
9. The Coordinator of Student Judicial Affairs or designee will act in good faith with you and strive to maintain confidentiality regarding judicial referrals and matters discussed within a hearing as permitted by law. You need to understand that you are encouraged to uphold this same standard of confidentiality.
10. You will be provided information on how to pursue the appropriate avenues of appeal.

1

When a referral is also subject to a court proceeding, or when the behavior is such that suspension of more than ten days or dismissal from the University may result as a sanction, the referred student is encouraged to consider having an attorney present.

2

If a third party advisor is to be an attorney, the student must inform the Coordinator of Student Judicial Affairs.