

PROCEDURES TO IMPLEMENT A JUDICIAL REFERRAL

Investigation and Informal Process

1. Any member of the University community may file a written complaint alleging that a student or student organization has violated student conduct proscriptions. Any complaint should be submitted as soon as possible after the event takes place. Persons filing complaints shall be informed of their rights under the Minnesota Statute 13.04, Subdivision 2 (<https://www.revisor.mn.gov/statutes/?id=13.04>). Following the filing of a complaint against a student or student organization, the Coordinator of Student Judicial Affairs shall conduct an investigation of the allegations.
2. If the complaint seems unwarranted, the Coordinator may discontinue proceedings.
3. Students involved in conduct cases where the sanctions do not involve suspension or expulsion will be given an opportunity to plead accountable before any hearing is held. The student will be able to read the complaint via e-mail and plead accountable in lieu of any informal hearing. If the student chooses to plead accountable, sanctions will be applied to the case by the hearing officer.
4. If there is sufficient evidence to support the complaint, the Coordinator shall offer the accused student an opportunity to resolve the alleged violation at an informal meeting. Prior to this meeting, the student shall be given written notice of the specific complaint against him/her and the nature of the evidence available to support the complaint and provided with access to copy of the SMSU Student Handbook. During the meetings the Coordinator shall review the complaint and the evidence with the student and allow the student to present a defense against the complaint including witnesses. Within a reasonable time period following the meeting, the Coordinator shall inform the accused student in writing of his/her decision whether a violation of the code was established by a preponderance of evidence and any applicable sanction as well as options available for an appeal and/or a formal hearing. If circumstances warrant the Coordinator may render an immediate decision and inform the student at the informal hearing.
5. A student who is subject to any sanction may request an appeal of the Coordinator's decision. An appeal from a sanction that does not result in a suspension of more than nine (9) days or expulsion from the University will be sent to the Student Association Judicial Council for consideration. An appeal from a sanction resulting in suspension of more than nine (9) days or expulsion from the University will be sent to the Administrative Hearing Committee for consideration. Appeal procedures, time lines and criteria are listed under "Judicial Appeals".
6. If the accused student fails to appear for the informal hearing, the administrator may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of an action taken.