SUBJECT: UNIVERSITY JUDICIAL SYSTEM

I. PURPOSE: The purpose of a University Judicial System is to provide any student the right to due process, to provide education and corrective action in response to behavior deemed unacceptable and to help create a fair, just and disciplined University community.

II. JURISDICTION: The President of Southern Utah University is ultimately responsible for the discipline of all students at the University. Administrative authority and responsibility for judicial policies and procedures is delegated to the Vice President for Student Services (VPSS) who assumes the direct supervisory jurisdiction of disciplinary matters and serves as the University’s Chief Judicial Officer. The daily operation of judicial matters is delegated to the Assistant Dean of Students in the Office of the Vice President.

Members of the University community will be considered for disciplinary action whenever violations are committed on University property at any official University function or activity regardless of location, or for action that adversely affects the University community's pursuit of its educational or other legitimate objectives, or that adversely affects the community at large.

For violations not occurring on University property, action will be considered when University officials determine that University interests are involved. Disciplinary action may be taken by the University for any act constituting a violation of the law when the act is contrary to the University community's pursuit of its educational and other legitimate objectives. Whenever conduct violates both the law and University policies, the University may take disciplinary action irrespective of and separate from action taken by civil authorities. The University will proceed with disciplinary action according to its regular timeline, unless directed otherwise by University counsel. The policies and procedures of the University Judicial System are designed to provide a fair and equitable resolution concerning involvement in alleged misconduct.

III. NON-ACADEMIC VIOLATION: Should an alleged violation of University policy occur, an incident report will be completed and submitted to the office of the Assistant Dean of Students. Violations may include, but are not limited to; violations of the Student Code of Conduct, violations of residence hall policy, and violations of sections of the Student Handbook. Students listed on the incident report and alleged to have violated policy will be notified in writing of the charges stemming from the allegation(s). This form is referred to as a Charge Notice.

Students notified of an allegation of wrongdoing must contact the office of the Assistant Dean of Students to schedule an Initial Conference to discuss the allegation(s). The Initial Conference will provide the student with the opportunity to respond to the
allegation(s) and will be conducted by a designated judicial officer. During this Initial
Conference students are invited to discuss and review the alleged misconduct, and are
couraged to ask questions concerning the University judicial process. At the Initial
Conference the following may occur:

a. The student may accept responsibility for the allegation(s) outlined in the Charge
Notice. If this occurs, the judicial officer may, after talking with all necessary
parties, assign appropriate sanctions based on the information received and any
judicial history.

b. The student may deny the allegation(s) outlined in the Charge Notice and provide
any information they deem appropriate. Sanction decisions, if appropriate, will not
be rendered until after the judicial officer has completed an investigation of the
incident, to include interviewing all necessary parties. At the conclusion of the
investigation the judicial officer will determine if a violation has occurred and will
make sanction decisions, if necessary.

Whether a student admits responsibility or is believed to be responsible for the
allegation(s) outlined in the Charge Notice, should the appropriate sanction, based on the
severity of the violation and any disciplinary history, be suspension or dismissal from
the University, a Hearing Panel may be convened to hear the case.

If, without prior notice, a student fails to respond to the Charge Notice and/or appear at
the Initial Conference, all charges will be considered true and the appropriate sanctions
will apply.

IV. University Committee on Student Discipline (UCSD)
The University Committee on Student Discipline (UCSD) will be comprised of members
of the University community to include faculty and students and the Chief Justice of the
SUU Student Association. Subcommittees of the UCSD will be convened as necessary
to hear allegations of wrongdoing.

Any UCSD subcommittee convened because of allegations of computer misuse will
include at least one faculty member from CIET having a significant technical
background in computing, and if appropriate and possible, a student with a background
in computing.

Composition of the UCSD subcommittees shall be no less than five drawn from the
UCSD, to include a combination of faculty and students. If the situation warrants, a
subcommittee may contain less than five members when the student respondent waives
SUBJECT: UNIVERSITY JUDICIAL SYSTEM

his/her right to a five-member panel. The Chair, who is appointed by the Assistant Dean of Students, has the authority to conduct the hearing and will subsequently submit notification of the panel’s decision.

The final decision of a Hearing Panel will be determined by a simple majority vote.

UCSD subcommittees will usually only convene during the Fall and Spring semester. During summer or inter-session written appeals resulting from an Initial Conference will typically be reviewed and decided upon by the Dean of Students. During summer or inter-session, a Special Panel may be convened to hear serious allegations that should be addressed prior to the start of the upcoming semester. The Special Panel will consist of one faculty member from the UCSD, one student from the UCSD, and one member of the Student Services administrative staff. The Assistant Dean of Students will assume the role of chairperson for the Special Panel.

V. Student Assessment and Intervention Team (SAIT)

The primary objective of the Student Assessment and Intervention Team is to assess and intervene when a student's behaviors suggest significant difficulty in their ability to function within the University environment. The team will be used to address a variety of student behavioral concerns. Membership, while situationally dictated, may include representation from the Office of the Vice President for Student Services, law enforcement, residence life, the faculty as well as an ADA advocate and/or a mental health professional. It is the intent of the SAIT team to develop and appropriate a measured response to the specific behaviors of concern, while protecting all due process and defined in Section VII of this policy.

VI. Procedure

Hearing Panels will be convened at the request of a designated judicial officer. They may also be requested by the accused as an appeal to a decision made during an Initial Conference if new information exists or a violation of due process has occurred. Appeal requests are submitted, in writing, to the Dean of Students. In cases where the Dean has been involved in the case and would prefer to recuse him/her self, the Vice President of Student Services will consider appeals.

a. A date, time and place of hearing shall be determined with notification given to all parties. Every effort shall be made to schedule this hearing within two weeks of the time a complaint is filed, although it shall not be scheduled less than five (5) days from the filing date of the complaint, except by mutual agreement of the complainant and respondent.
b. The judicial officer must notify the respondent in writing of the complaint and the allegations that have been filed along with the information outlined in number one above.

c. All hearings will be closed to the public unless both parties agree in writing not less than 24 hours in advance that a hearing be open. The UCSD subcommittee reserves the right to limit the number of observers at an open hearing on the basis of space.

d. In a hearing the burden of proof, which rests with the complainant, shall be based on a preponderance of the evidence. “Preponderance of the evidence” means that the evidence presented to the UCSD allows them to conclude (by simple majority vote) that it is more likely than not that the alleged violation occurred.

e. Witnesses may be called by the parties and/or by members of the UCSD. Witnesses may be either witness to actual events or character references. Character references may only be reviewed or heard, if appropriate, during the sanctioning phase of the hearing. The UCSD may, by majority vote, limit the number of witnesses for reasons of redundancy or irrelevancy. The UCSD is not governed by any formal rules of evidence; rather, by fairness and the best means available to arrive at the most accurate representation of the facts. Consequently, the UCSD may accept “hearsay” as evidence, but will give it little or no credibility if it is contradicted by a witness who directly observed a relevant event or was a direct party to a relevant conversation.

f. Both parties and UCSD members will have the right to question witnesses as necessary, either orally or by written questions submitted to the UCSD Chair. The Chair will determine the method appropriate in the circumstances, as governed by fairness and interest in maintaining order in the proceedings. An accused party is entitled to seek the advice of legal counsel and have counsel present in the proceedings. However, it will generally be expected counsel will not have active participation in the proceedings; rather, the accused party will address the UCSD and deal with witnesses personally. Any exception will be considered by the Chair before the proceedings upon written request at least five days in advance, and with the decision communicated to the requesting party as soon as possible by best available means, preferably in writing. The UCSD may seek advice from University Counsel as needed throughout the course of its handling of a given charge.

g. All hearings shall be recorded and the notice, exhibits, taped or stenographic records, and findings of fact shall be filed with the Dean of Students.
SUBJECT: UNIVERSITY JUDICIAL SYSTEM

h. In cases involving more than one student, the UCSD subcommittee may hear the case as one, but shall make separate findings of fact for each student.

i. In closed session, the UCSD, after deliberation, will decide by the preponderance of the evidence standard, whether the respondent is or is not in violation of the University policy defined.

j. Once a determination has been made, the UCSD will decide on appropriate sanctions. This determination, in the form of a recommendation, will be forwarded to the Dean of Students, along with their findings of fact.

k. Final determination of the sanctions rests with the Dean of Students and respondents will be notified in writing of the decision within ten (10) business days of the proceedings.

l. Individuals wishing to appeal the decision may do so only if there has been a violation of due process or if there is new evidence to be presented.

m. A request for an appeal from a UCSD decision must be made in writing to the Dean of Students within five (5) business days of notification.

VII. Provisions for Due Process

A student who is alleged to have violated University policy is entitled to certain procedural guarantees to insure a fair resolution. These guarantees also apply to student organizations.

a. The accused student will be provided with a written statement of charges in advance of the hearing so as to allow time to prepare a response. In addition, the accused student, upon written request, will be given the opportunity for advance inspection of any statements or exhibits the complainant intends to submit at the hearing. The accused student may also request, in writing, the anticipated list of witnesses.

b. An accused student is expected to present an explanation of their situation at the hearing and may ask individuals to present information on their behalf. Should the accused student fail to appear at the scheduled time and place, the hearing will be held in his/her absence.

c. To assist in preparation of the UCSD, a student may choose an advisor to be present during the hearing. The role of the advisor is to "advise" and as such is limited to
SUBJECT: UNIVERSITY JUDICIAL SYSTEM

conferring with the advisee only. Advisors shall not participate orally at any point during the hearing.

d. Prior to a hearing, the student may challenge the objectivity of any one panel member assigned to their case given reasonable cause to believe that the member may be biased or have a conflict of interest. Replacements to the board may only be made when time permits.

e. The outcome of any hearing will be based solely on information provided during the hearing.

f. Receipt of written notification of the results and findings of the hearing will be within ten (10) business days of the proceedings.

g. Following the proceedings, the student may appeal the decision only if there is an alleged violation of due process or new evidence to be presented. Appeals must be submitted within five (5) business days of receipt of notification.

VIII. Judicial Appeals

An appeal is defined as a request for review of the original case. This may involve a review of the judicial decision as recorded on paper, a new hearing, or other procedures such as those described below. The burden is on the appealing student to demonstrate why the findings should be altered.

Students who violate the Student Code of Conduct may appeal the findings and recommendations of a hearing panel to the Vice President for Student Services (VPSS). Appeals may be based only on the following grounds: (1) denial of due process; (2) significant and relevant new evidence that was not available at the time of the hearing. Appeal requests will be denied in cases not having sufficient grounds.

A written request for an appeal, stating the specific grounds upon which the appeal is based, must be received by the end of the fifth business day following written notification of the original decision regarding the case. Appeals submitted after the fifth day may not be accepted.

The Vice President for Student Services will review the appeal request and may consider the entire record of the case. S/he may also meet with the student to discuss the appeal. After reviewing the appeal request and, if necessary, the entire record of the case, the VPSS may take any of the following actions:

1. Alter or sustain the original finding or sanction.
SUBJECT: UNIVERSITY JUDICIAL SYSTEM

2. Refer the case to the Dean of Students and request that a hearing be convened.

The action of the Vice President will be communicated to the student in writing. This decision is the final step in the formal appeal process.

IX. University Sanctions

The sanctions listed below may be imposed upon a student or student organization for a violation of University policy. Generally speaking, judicial sanctions are cumulative in nature. In situations where multiple incidents occur over a short period of time, judicial hearings are generally scheduled in chronological order according to the date of the incident and all judicial or disciplinary records are considered when determining an appropriate sanction.

a. Deferred Housing Registration and Selection: Students found in violation of University policy may have their housing registration and selection privilege restricted. Such a sanction means that the student will not be permitted to participate in the housing registration and selection process until all other returning residential students have made their selections.

b. Deferred Sanction: In some cases, a sanction of suspension or dismissal may be held in abeyance for a specified period. This means that, should the student be found in violation of any University policies during the stated period, he or she may be subject to the deferred sanction without further review in addition to the disciplinary action appropriate to the new violation.

c. Disciplinary Dismissal: Separation of the student from the University with the expectation that the separation will be permanent. Disciplinary Dismissal will be noted on the transcript.

d. Disciplinary Suspension: Separation of the student from the University for a defined period of time, after which the student is eligible to return. Conditions for return or readmission may be specified. Disciplinary Suspension will be noted on the transcript.

e. Disciplinary Probation: This action is given for a stated period of time. A student's further misconduct during this period of time may lead to increased sanctions, including suspension or dismissal. A student on such probation may remain at the University only upon condition that the student complies with regulations or
SUBJECT: UNIVERSITY JUDICIAL SYSTEM

circumstantially indicated restrictions as may be imposed as a condition of the student's probation.

f. Educational Experiences: The student is required to demonstrate his or her responsibilities within the University community by performance of certain reasonable and relevant educational or related service activities. Failure to complete the educational experience in the time prescribed may result in suspension from the University. Failure of student organizations to complete the educational experience in the time prescribed may result in withdrawal of university recognition. Any fees associated with the educational experiences will be the responsibility of the student/student organization.

g. Fines: Students/Student Organizations in violation of University policy may be assessed fines for their infraction(s). Fines will be based on the severity of the violation and generally are cumulative in nature. Fees collected from fines will generally be used to support educational programs for the community.

h. Future Housing Privilege Revocation: Students found in violation of University policy may have their privilege to live in University housing revoked for subsequent years. Students who have their future housing privilege revoked will not be permitted to participate in the housing registration and selection process. Further violation of University policy may result in immediate removal from the residence halls.

i. Letter of Censure: The student is notified in writing that his or her actions have constituted a violation of University policy and are therefore inappropriate. Further violations may result in more serious disciplinary action.

j. Parental Notification: A parent/guardian will be notified of the student’s infraction, when appropriate. Notification may occur for any violation of the University’s Drug Policy and for violations of the University’s Alcohol Policy when there is a health or safety concern.

k. Removal from University Housing: A student may be removed from University owned and operated housing. The removal may be for a defined period of time or may be permanent. If the former, conditions for potential return to University housing may be specified but are not a guarantee to future housing.

l. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material.
SUBJECT: UNIVERSITY JUDICIAL SYSTEM

m. Verbal Warning: A verbal statement notifying the student that he or she is or has violated University policy.

X. Interim Suspension
The University retains the authority to impose an interim (immediate) suspension, pending an Initial Conference and/or a UCSD hearing if such action is necessary to preserve the safety of persons or property. During the period of interim suspension the student may be denied access to the campus and/or excluded from a class or all classes and denied all other University activities or privileges for which the student might normally be eligible.

The University also retains the authority to impose an interim (immediate) suspension pending medical intervention, should a student be deemed a threat to themselves or if their behavior disrupts the health and welfare of those in the community. A return to the University community may be contingent upon a medical release or review by an appropriate panel.

XI. University Judicial Records
Disciplinary sanctions other than suspension or dismissal shall not be made a part of the student's academic record but shall become part of the student’s personal record. Cases involving suspension or dismissal shall permanently remain in a student's personal record and a permanent notation shall be made on the student's academic record. Cases involving the imposition of all other sanctions may be expunged from the student’s personal record three years after final disposition of the case, upon written request of the student. In very limited instances, a student’s personal record that does not include a suspension or dismissal may be expunged at the discretion of the Dean of Students upon graduation of the student.