

Student Rights in the Conduct Process

Northeastern State University views the student conduct process as an educational experience. Participation in the process can promote growth and understanding of one's role as a member of the University; therefore the following rights are afforded to accused students and alleged victims (when applicable).

General Rights:

- A. The focus and purpose of any student conduct proceeding is to determine whether a violation of university rules has/has not occurred. All student conduct proceedings are to be considered informal in nature. The rules and procedures associated with the criminal and/or civil courts need not apply. Deviations from outlined procedures will not necessarily invalidate a student conduct conference or subsequent decision unless such a deviation results in a significant prejudice to the student or university;
- B. Student conduct conferences shall be conducted in private. The accused student and/or the alleged victim of sexual misconduct or a crime of violence (as defined by FERPA 1974) may request an open student conduct conference. Such a request shall be considered with the final decision at the sole discretion on the Student Conduct Administrator.
- C. In a student conduct conference the burden of proof shall rest with the Accused Student and is based on whether a preponderance of the evidence (more likely than not) indicates that the Accused Student violated the Student Conduct Code.
- D. The contents of a student conduct file and any related written or oral correspondence are considered a part of a student's educational record; therefore, the release of said information will only occur in accordance with the Family Educational Rights and Privacy Act of 1974. Information released cannot be re-disclosed unless the student conduct conference has been declared and documented as open.

Accused students have the right to:

- A. A written notice of the alleged violation(s) – sent to the student's official university address (electronic or physical);
- B. Waive written notice of the alleged violations;
- C. Reasonable access to the review the contents of the individual case file;
- D. Have no student rule violation assumed until proven through the student conduct process;
- E. Say nothing with the knowledge and understanding that no assumption of responsibility is made solely as a result;
- F. Be accompanied by one advisor/counselor (may be an attorney at the student's expense) so long as the availability of the advisor does not hamper the timeliness of the conference. The selected advisor and/or counselor may not be an individual and/or student that is and/or may be charged as a result of the same or similar fact pattern. The

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advisor is limited to advising the student and may not present the case, question relevant parties, or make statements during the proceedings. The mere presence of a University attorney does not indicate representation;

- G. Question his/her accuser - directly or indirectly - at the discretion of the Student Conduct Administrator or Student Conduct Administration body;
- H. Question witnesses - either directly or indirectly - at the discretion of the Student Conduct Administrator or Student Conduct Administration body;
- I. Present material witnesses - those with first-hand knowledge of the incident (character witness information may only be submitted in written form);
- J. Written notification of the outcome of the student conduct conference – sent to the student’s official university address (electronic or physical) - such information may not be shared with any individual or entity;
- K. Have an avenue to appeal the decision of the Student Conduct Administrator of Student Conduct Administration body.

Alleged Victim of Sexual Misconduct or Crimes of Violence (as defined by the Family Educational Rights and Privacy Act of 1974)

Northeastern State University students who are the alleged victim of sexual misconduct or a crime of violence have the right to:

- A. Be given an explanation of the student conduct process;
- B. Have access to evidentiary material the complainant or alleged victim submitted - this includes police reports;
- C. Chose to be present or not present during the student conduct conference – in person or through an indirect means;
- D. Be accompanied by one advisor/counselor (may be an attorney at the student’s expense) so long as the availability of the advisor does not hamper the timeliness of the conference. The selected advisor and/or counselor may not be an individual and/or student that is and/or may be charged as a result of the same or similar fact pattern. The advisor is limited to advising the student and may not present the case, question relevant parties, or make statements during the proceedings. The mere presence of a University attorney does not indicate representation
- E. Question the accused/material witnesses - directly or indirectly - at the discretion of the Student Conduct Administrator of Student Conduct Administration body;
- F. Have evidence of past sexual history excluded during the student conduct conference, - the past sexual history of the alleged victim with persons other than the alleged perpetrator shall be presumed irrelevant - relevancy is at the discretion of the Student Conduct Administrator of Student Conduct Administration body;
- G. Submit a victim impact statement for the Student Conduct Administrator of Student Conduct Administration body to consider – *only if the student is found responsible* - prior to issuing any sanction(s);
- H. Upon written request, be notified of the outcome of the conduct proceeding – if the request is granted such information may not be shared with any individual or entity.