



Guide for Advisors in the Student Conduct Process

The West Texas A&M University Student Handbook stipulates that a student may select an advisor to advise them during student conduct proceedings. The following information is intended to inform advisors of their role in WT's student conduct process.

What is an advisor?

An advisor is any person who has been selected by and agreed to assist a complaining or responding student during the university conduct process.

Who can serve as an advisor?

An advisor may be an WT faculty or staff member, another WT student, a friend, a parent, an attorney or any other person of the student's choosing (provided they are not involved in the situation). The student must notify Student Conduct two university working days in advance of the hearing if they will be accompanied by an advisor who is an attorney. In instances where an attorney is present as an advisor, an attorney from the Texas A&M University System Office of General Counsel may be present. Please be aware that when the university has its attorney in attendance during a committee hearing, he or she will advise the hearing panel and will not participate in the presentation of evidence.

What is the role of an advisor during a conduct meeting?

The role of an advisor in a conduct meeting is to:

- Support the student.
- Consult with the student during the meeting.
- Suggest questions for the student to ask.
- Assist the student in clarifying his/her response to questions.

The role of an advisor is not to act as a participant in the hearing, which comports with due process requirements. Students are allowed to have one advisor present with them during their meeting. During a meeting, an advisor may quietly converse with or write notes to a student.

Advisors may not:

- Delay, disrupt or interfere with the proceedings.
- Present information not relevant to the issues being discussed at the hearing.
- Disrespect others in the hearing by badgering or harassing the other student(s) involved including, but not limited to, making victim blaming statements.
- Advisors are limited to advising the student and may not present information, ask questions or make statements during the meeting.
- An advisor may not speak for or on behalf of a student.

Advisors are expected to:

- Act in a professional and courteous manner.
- Be mindful that the Student Conduct process is educational in nature, not penal.

What happens if an advisor does not act within the limitations outlined for them?

In conduct meetings, if an advisor does not act in accordance with the limitations set forth, then the conduct officer will warn the advisor that if noncompliance persists, the advisor will be required to leave the hearing. If the advisor continues to act outside the limitations set forth, the advisor may be required to leave the meeting.

In conduct hearing/conduct committee hearings, participation is a privilege which, if abused, may be withdrawn by the hearing officer or hearing panel chair. If the privilege is withdrawn, the advisor may continue to advise the student, but may not participate directly in the hearing. If the advisor fails to act in accordance with hearing procedure and with the standards set forth herein, the hearing officer or hearing panel chair may require the advisor to leave the hearing.

What is the difference between the university student conduct process and the legal system?

The university's philosophy on student discipline is educational in nature. Student Conduct strives to help students learn from their choices in addition to holding them accountable for their behavior. The standards set forth by the university in the Student Handbook are considered much higher than the obligations imposed by civil and criminal law for all citizens. The following chart depicts the main differences between the legal system and the university student conduct process.

Legal System	University Student Conduct Process
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Prosecutes criminals who violate the law	Discipline students who violate institutional rules
Higher standard of proof — “beyond a reasonable doubt”	Lower standard of proof — “more likely to have occurred than not.” (Also referred to as the "preponderance of the evidence.")
“Rules of evidence” often applied in state and federal courts	“Rules of evidence” do not apply to Student Conduct Meetings or Hearings. [1] The conduct officer, hearing officer or panel will weigh all evidence — including issues of credibility and relevance — when making a determination
More severe punishment	Educational and corrective accountability
Can imprison people	Maximum consequence is expulsion
State and federal laws set minimum standards for the safe and orderly operation of society	Set standards requiring ethical and moral behavior of students to create and maintain a productive University living and learning community
Legal system may choose not to prosecute a certain action or behavior	Campus resolution may proceed before, during or after civil or criminal actions are concluded. Civil and criminal processes do not affect the Student Conduct process.
Punishment	Action Plan/Assignments/Sanctions

"Guilty" or "not guilty"	"Responsible" or "not responsible"
"Plaintiff" and "Defendant"	"Complainant" and "Respondent"

When will I have the opportunity to depose witnesses?

There are no depositions in a Student Conduct process. Neither the complainant nor respondent should approach the other party's witnesses prior to the hearing. All questions for either party or their witnesses take place during the hearing proceeding.

When will I receive discovery?

There is no formal discovery in the Student Conduct process. Both the complainant and respondent may review the hearing file in Student Conduct office no less than three days prior to the hearing. If the advisor would like to review the file they will need to either be accompanied by the student or have a signed record release from the student on file with the Student Conduct Office.

Both the complainant and respondent have the opportunity to submit information and a witness list for the hearing file. This information must be submitted at least three university working days prior to the hearing to be included in the hearing file and addressed in the hearing.

Can I request that the hearing be postponed?

The student may request a postponement, but pending criminal proceedings will not serve as a basis for postponing a student's hearing. The student should make the request at least three days prior to the hearing and will generally only be granted in cases of serious illness, family emergency or for academic reasons. The university schedules hearings around the involved students' academic schedules. Advisors will not be consulted regarding scheduling hearings. An advisor's unavailability for the hearing will not serve as a basis for postponement.

How can an advisor obtain information about a case?

In compliance with the Family Educational Rights and Privacy Act (FERPA), Student Conduct cannot release information about a case without written consent from the student. If written consent from the student is provided, Student Conduct can disclose information about the case directly to the advisor as indicated in the release. [Record release forms](#) can be completed by the student in Student Conduct office, Jack B. Kelly Suite 102D.

Can the university send communications to the advisor?

At all times, Student Conduct will correspond and communicate directly with the student involved. It is the responsibility of the student to relay all information to their advisor.

How can advisors best prepare for their role in the student conduct process?

Advisors assisting students as they navigate the student conduct process are encouraged to familiarize themselves with the [Student Code of Conduct](#). This document outlines university standards, procedures, prohibited conduct and possible sanctions. If you have any further questions or concerns about this information or the role of an advisor in the West Texas A&M University student conduct process, please contact Student Conduct at (806) 651-2389 or [email us](#).