

Student Conduct Hearing Process

Please read the Student Handbook.

ALL DISCIPLINARY PROCEEDINGS WILL ADHERE TO THE FOLLOWING PROCEDURES:

1. The student will be informed in writing of the allegations made and the date, time, and place of the initial conference with a hearing officer. This information will be sent to the accused student's WTAMU email address. For University-related correspondence, it is the student's responsibility to check their University email account, check it regularly, and to provide an accurate local mailing address.
2. An opportunity for the student to review the evidence, except official University Police Department reports on cases pending action in the district attorney's office or while the case is still under investigation, prior to the hearing, shall be provided upon request. An appointment must be set up with the assistant VPSEES in the Office of Student Enrollment, Engagement and Success, in the Jack B. Kelley Student Center, Suite 102, to review this information.
3. During the initial conference, the student may bring an adviser of his or her choosing. This person may advise the student but may not actively participate in the conference. The initial conference is not recorded and may result in the following outcomes:
 - a. The student(s) is found not to be in violation.
 - b. The student(s) is found in violation and subject to those sanctions described in this Code of Student Life.
 - c. The conduct officer decides that more investigation is needed and continues the conference at a later date.
4. If a student is found not in violation, the process ends. If a student is found to be in violation, this determination will be provided in writing to the student. The student will have three (3) University working days to accept or reject the finding. If the finding is not challenged within those three (3) days, it will be accepted as final. If a student rejects the finding within those three (3) days, a formal hearing will be scheduled and the student will be notified in writing of the date and time of the hearing. The formal hearing will be held before a different hearing officer.
5. During the course of the formal hearing, the student may seek advice of legal counsel/adviser at his/her own expense. Counsel may advise the student but may not present the case. The respondent and the complainant may have one person accompany him/her in the hearing. This person cannot be a witness. In sexual misconduct cases, the complainant will have the right to be present throughout the hearing but will not be required to attend the hearing. The complainant shall have the opportunity to submit an impact statement. Complainants and respondents also have the right to not have past sexual history discussed during the hearing.
6. The University will present evidence supporting the allegations first and has the burden of proving its case by the preponderance of evidence. Preponderance of evidence means proof that leads a reasonable person to find that the facts in issue are more likely to have occurred

than not. A determination of the facts will be based only on the evidence as presented. The technical rules of evidence applicable to civil and criminal cases shall not apply.

7. An opportunity will be provided for the respondent to present his/her own version of the facts and to present other evidence in support of the current case including witnesses. Witnesses not having information directly pertaining to the scheduled case may not be allowed. The responding student should notify and make arrangements with their witnesses to attend the hearing or provide notarized written information or official University reports to be included in the hearing. The respondent will also have the right to hear evidence and question evidence presented through the student conduct officer. The student conduct officer may impose reasonable limitations upon the presentation of evidence and questioning of witnesses. A notary is available at no charge at several locations on campus, please see the Student Conduct Office for a list.

8. A student may not be compelled to testify in his/her own behalf. If the student chooses not to testify or to appear at the hearing, no inference may be drawn from this action; however, the hearing will proceed and a decision will be made based on the facts presented. In the event that the respondent, witness, or any other person involved with the case is late to the hearing, the hearing officer reserves the right to make the determination on participation in the hearing, and the hearing body is not responsible for beginning the hearing over, recalling witnesses or re-entering any evidence into the record.

9. Disorderly or disruptive behavior by any individual during the conduct process may result in removal of that individual from the conduct process, at the discretion of the student conduct officer, and the hearing process may continue.

10. The University will record the hearing and that recording remains the property of the institution. Deliberations will not be recorded. FERPA provides that when information on more than one student is contained in a single education record, each student may inspect only the information specifically related to him/her. If the recording pertains to only the requesting student, arrangements may be made to review the recording. An appointment will be required to review the recording, if applicable. Suspension/expulsion sanctions result in records being maintained permanently in the VPSEES office.

11. Upon conclusion of the hearing, a written statement of the findings, the formal action to be taken by the University, and a description of the appeals process will be forwarded (delivered or postmarked) to the student within five (5) working days, as defined by the University. In cases of sexual misconduct, the findings, formal action to be taken by the University, a rationale for those actions, and a description of the appeals process will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

12. Disciplinary hearings will be closed with the exception of those directly involved in the hearing. The disciplinary proceedings will not be open to the media. 13. At the University's discretion, notices and student conduct correspondence will be issued to the student's local

and/or permanent address of record, delivered by staff, or via email to their University email account and shall constitute full and adequate notice. It is the student's responsibility to keep the address of record current and to check their University email account. The failure of a student to provide an address change or forwarding address, the refusal to accept/receive a letter (sent either by first class mail or certified mail or by staff delivery), or failure to check University email shall not constitute good cause for failure to comply with the content of the official University correspondence. Disciplinary action may be taken against a student for failure to appear after proper notice.