

## Student Conduct Process

All disciplinary proceedings will adhere to the following procedures:

**Disciplinary Authority:** The authority to enact and enforce regulations of the university is vested in the Board of Regents. The responsibility for enforcing the regulations and imposing penalties is delegated to the President of the university and any university officials the President designates. The Vice President for the Division of Student Affairs, or designee, shall implement the student discipline procedures. The VP of Student Affairs, and Assistant VP of Student Affairs, or designee, will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

**Jurisdiction:** The Student Handbook shall apply to conduct that occurs on university premises and/or at university-sponsored activities or any other activity which adversely affects the university community and/or the pursuit of its objectives and mission. This action may be taken for either affiliated or non-affiliated activities.

- The university may act in situations occurring off university premises involving student misconduct demonstrating flagrant disregard for any person or persons; or when a student's or student organization's behavior is judged to threaten the health, safety, and/or property of any individual or group. Using their sole discretion, the VP of Student Affairs, or designee, shall decide whether the Student Handbook shall be applied to conduct occurring off campus, on a case-by-case basis.

**Timeline:** It is recommended that reports of alleged violations of the Student Handbook should be received by the Office of Community Standards within ten (10) university working days of the alleged incident to initiate Student Conduct procedures.

- There is no limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incident(s).
- Incident(s) should be resolved within 60 days of notice regarding the incident, not including appeal. This timeline may vary depending on availability of students to participate in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays.

**Notice:** Notice is deemed to have been properly provided when written notification is sent to the student's official assigned WTAMU email address, placed in First Class U.S. Mail, campus mail, or personally delivered to the student no less than five (5) university working days prior to the scheduled appearance. The failure of a student to receive notice which is properly delivered does not prevent the Student Conduct proceedings from being carried out. After proper notice has been given to the student, the Student Conduct officer or designee may proceed with the review process and may issue a Failure to Comply code violation against the student.

Family Educational Rights and Privacy Act (FERPA): Annually, WTAMU informs students of the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended. This act, with which the institution intends to comply fully, was designated to protect the privacy of education records, to establish the right of the students to inspect and review their education records, to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings, and to submit an explanatory statement for inclusion in the education record if the outcome of the hearing is unsatisfactory. See the Student Handbook for more information about FERPA.

- Students have the right to file complaints with the Family Educational Rights and Privacy Act Office of the Department of Education in Washington, D.C., concerning alleged failures by the university to comply with the act. Written complaints should be directed to: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-5920.

Disabilities Accommodations Appeals Committee: Students needing accommodations must request them through the Director of the Office of Student Accessibility (OSA). Any approved accommodations will be based on documentation demonstrating eligibility under state and federal law. If a student disagrees with accommodation decisions made by OSA, they may discuss the concern with the Director of OSA. Students must demonstrate that they made a good-faith effort to resolve the complaint with the OSA Director. If the complaint is still not resolved satisfactorily, the student may visit with the assistant VP of Student Affairs. For more information please see the Student Handbook.

Reporter: While WT maintains the individual confidentiality of reporters, the Office of Community Standards can disclose the source who reported the alleged misconduct. Reporters are broken down into one of the following sources: Student, Staff/Faculty/University Police Department, Alumni, and Community Member.

Standard of Evidence: The standard of proof used in WTAMU Student Conduct proceedings is the preponderance of evidence, or “it is more likely than not that it occurred”. All Conduct Officers and Hearing Boards will make the decision of their cases based on this standard.

Amnesty: The university will offer amnesty for students meeting the following descriptions: *for a more detailed description please see the Student Handbook.*

- For victims.
- For those who offer assistance
- For those who report serious violations
- For those who act in good faith
- Anonymity
- Retaliation

## Student Conduct Proceedings

All Student Conduct proceedings will adhere to the following procedures. See the Student Handbook for a more detailed description of this process.

*Note: For each of the processes listed below, if a student chooses not to appear at the Initial Conference or Formal Hearing, no inference may be drawn from this decision. The hearing will proceed, and a decision will be made based on the facts presented. If a Conduct Officer completes an “In-Absentia Hearing” they will issue the student notification of their determination within the specified time outlined in the Student Handbook.*

### Informal Process:

- Notification:
  - You will receive a notification to your WT email with the allegations, the date, time, and location of your Initial Conference, and the Conduct Officer assigned to your case.
- Optional steps prior to the Initial Conference that students must elect for:
  - Evidence Review: You may schedule an Evidence Review (this is optional) prior to your Initial Conference. This will give you an opportunity to look over the case materials. Protected information may be redacted from the documents provided, you may not take photos or recordings of the content and all materials must be collected by the staff prior to the end of the meeting. Contact the Office of Community Standards to schedule an Evidence Review.
  - Election of an Advisor: Students may bring an advisor of their choosing to the Initial Conference. An advisor, in this context, is an individual selected by the student involved to provide support, and can be a family member, friend, teacher, or attorney. You must contact your Conduct Officer not later than two (2) business days prior to the Initial Conference to elect for an advisor. Advisors who impede or disrupt the Student Conduct process will be removed.
- Initial Conference:
  - The assigned Conduct Officer will take you through the Initial Conference, which will include:
    - Learning more about you as an individual.
    - Listening to your perspective of the events.
    - Engaging in dialogue around the events and your behavior.
    - Sharing the next steps in the process with you.
    - Answering any remaining questions.
    - Asking for your feedback following the receipt of your Determination.

- Case Resolution Form:
  - You will receive a Case Resolution Form via your WT email. It will contain the Conduct Officer's determination of Responsible or Not Responsible for each alleged violation, along with any applicable rationale for their decision.
  - You have three (3) business days to either Accept or Reject the decision.
  - If you Accept – make sure you complete all Conditions associated with the finding.
  - If you Reject – your case will move to the Formal Process with a new Conduct Officer.

**Formal Process:**

- Notification:
  - The student will be notified via their WT email the assigned Conduct Officer, the allegations, and the time, date, and location of the Formal Hearing no less than five (5) business days prior to the date of the meeting.
- Optional steps prior to the Initial Conference that students must elect for:
  - Evidence Review: You may schedule an Evidence Review (this is optional) prior to your Initial Conference. This will give you an opportunity to look over the case materials. Protected information may be redacted from the documents provided, you may not take photos or recordings of the content and all materials must be collected by the staff prior to the end of the meeting. Contact the Office of Community Standards to schedule an Evidence Review.
  - Election of an Advisor: Students may bring an advisor of their choosing to the Initial Conference. An advisor, in this context, is an individual selected by the student involved to provide support, and can be a family member, friend, teacher, or attorney. You must contact your Conduct Officer not later than two (2) business days prior to the Initial Conference to elect for an advisor. Advisors who impede or disrupt the Student Conduct process will be removed.
- Formal Hearing:
  - This meeting will be recorded by the assigned Conduct Officer, and the Formal Hearing will be comprised of:
    - Presentation of evidence supporting the allegations.
    - Collection of additional information from the involved party.
    - Sharing the next steps in the process.
    - Answering any remaining questions.
    - Reminder to submit your feedback via the Final Determination letter.
- Formal Resolution:
  - Upon conclusion of the hearing, the assigned Conduct Officer will send their findings via WT email within five (5) business days of the date of the Formal Hearing.

- Appeal Procedure:
  - A student may appeal the decision or the sanction(s), condition(s), and/or restriction(s) imposed by the Office of Community Standards by submitting a written petition to the VP of Student Affairs within five (5) business days of receiving the Formal Hearing decision letter.
  - The petition must clearly set forth the grounds for appeal, and the only grounds for appeal are as follows:
    - A procedural (or substantive error) occurred that significantly impacted the outcome of the hearing.
    - The discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction.
    - The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

**Student Organization Accountability Process (SOAP Cases):**

- Report of Organizational Misconduct:
  - All complaints and reported incidents of misconduct within a registered WT Student Organization will be investigated by the Office of Community Standards. All evidence and case materials will be provided to the Student Organization Accountability Board (SOAB), who will issue a determination of Responsible or Not Responsible, and any sanction(s), condition(s) and/or restriction(s) included in the finding.
- Notification:
  - The president or chief student leader of the organization will be notified via WT email of the report, allegations and applicable process.
- SOAB Hearing:
  - The SOAB will be comprised of the Compliance Coordinator for Student Conduct, two trained staff members, and three trained student government representatives. The Hearing will be comprised of:
    - Presentation of evidence supporting the allegations.
    - Collection of additional information from all involved parties.
    - Sharing the next steps in the process.
    - Answering any remaining questions.
    - Reminder to submit your feedback via the Final Determination letter.
- Determinations:
  - The SOAB will have three (3) business days to issue a determination via WT email to the organization president or chief student leader.
- SOAB Appeal:
  - Organization presidents may appeal a finding of responsibility or the sanction(s), condition(s), and/or restriction(s) via the Appeal Procedure (listed above).