

STUDENT RIGHTS AND RESPONSIBILITIES

Foundation Housing Service encourages students to act independently and maturely while in residence. Living in a group situation is not always easy, since everyone comes from a different background and has different expectations for living in a residential community. Policies and Procedures are established to outline standards by which all members of the community can live together. The University and Foundation Housing Service have designed conduct processes which address inappropriate or illegal behavior with the goal of changing future behavior. See the Student Housing License Agreement for more information.

Residents who violate policies should be aware that concurrent judicial proceedings may be undertaken: Foundation Housing Service Conduct action; University Conduct action; civil proceeding; and/or Criminal charges.

Statement of Student Rights

Students within the University Village shall be guaranteed the following rights with the understanding that a proven violation of these rights shall be grounds for an appeal.

- The student has a right to a thorough conduct meeting.
- The student has the right to a fair conduct meeting. In cases of obvious and/or significant bias, the student may request an alternate conduct officer.
- The student has the right to, upon written request, review the incident report, sanction letter, and any other documents pertaining to his/her case.
- The student has the right to one level of appeal with Foundation Housing Service conduct system.
- The student has the right to have a non-lawyer support person in any conduct meeting pertaining to his/her case. (This individual serves as an advisor to, rather than a representative for, the student.)
 - A. The support person's role is to observe the process and provide support and guidance to the student, as needed. The support person does not "represent" the student or speak on his/her behalf.
 - B. Community Advisors (CAs) may not serve in the support-person role due to the potential for conflict of interest. However, the CA can always serve as a resource for the student prior to and after the conduct meeting.

- C. The support person may not have a conflict of interest with the case being investigated.
- The student has the right to remain silent during a conduct meeting or refuse to seek a hearing without such action being regarded as an admission of guilt.
- The student has a right to a written report of the outcome of the hearing. The student shall receive a written statement of the decision by the conduct officer or appeal officer.
- The student has a right to a hearing without undue delay.

JUDICIAL PROCEDURES

Students are responsible for their actions and will be held accountable for them. The following procedures are designed to ensure that student rights are not violated. FHS is committed to protecting individual rights as well as the rights of all community members. When a policy violation(s) occurs, an Incident Report will be written to document the situation. An allegedly involved student will be notified to meet with the Assistant Director, Residence Life (or his/her designee) who serves as the conduct officer for Foundation Housing Service.*

At this judicial hearing, the conduct officer will:

- Listen to the accused student's story
- Discuss whether a violation has occurred
- Determine the degree to which the student was involved, and
- Assign a sanction, if appropriate (this may not occur during the meeting)

The student will receive written notification of the decision within seven (7) business days of the judicial hearing. The student will be notified, in writing, if the letter must be delayed beyond 7 days due to extenuating circumstances.

* *The Assistant Director, Residence Life may serve as the conduct officer or refer the case to a Resident Director, the Director of Foundation Housing Service, and/or the University Conduct officer, who would serve as the conduct officer throughout the process.*

Scheduling a Judicial Hearing

The conduct officer will send a memo which notifies the student of the alleged misconduct. This memo will instruct the student to appear within a specific amount of time. It is up to the student to schedule this hearing with the hearing officer.

A student who fails to appear for a judicial hearing is not excused from pending action. The hearing will take place in absentia; evidence will be reviewed, and a decision will be made. The student will be informed of that decision in writing. A student who fails to appear for the judicial hearing may lose his/her right to appeal the decision/s of the conduct officer.

Standard of Evidence

Formal rules of evidence are not applicable to the Foundation Housing Service Conduct System. If a student denies responsibility for an alleged policy infraction, the conduct

officer must make his/her decision based upon the preponderance of the evidence. After weighing all of the available evidence, the conduct officer will decide whether there is more evidence (greater than 50%) that the student is responsible for the misconduct than evidence that the student was not.

Witnesses

When a student is meeting with the conduct officer, witnesses may be invited to speak on the student's behalf. The witnesses' statements must be directly pertinent to the policy violations being addressed at the meeting. Witnesses' attendance will be limited to the specific duration of the individuals' statements. Character witnesses are not appropriate to these types of meeting and will be allowed only in special circumstances. All witnesses' names and roles in the situation must be submitted, in writing, to the FHS office at least 24 hours in advance of the hearing.

Sanctions

When a student has been found in violation of a policy (by his or her own admission and/or by the preponderance of the evidence standard), a sanction may be assigned. Sanctions are designed to hold students accountable for misconduct with the goal of educating them toward more acceptable behaviors in the future.

Sanctions include, but are not limited to:

Passive Sanctions

(The student requires no specific action)

- "Handled by CA" Letter- Written notices of formal documentation of a low-level incident with an indication that future behavior may/will result in more severe disciplinary action.
- Disciplinary Warning- Notice in writing that a given behavior is a violation of the License Agreement.
- Disciplinary Probation- Written notice that further infractions of policies may result in revocation of the License Agreement.

Behavioral Sanctions

(Required action by the student)

- Revocation of License Agreement- This sanction is reserved for those students who indicate an unwillingness or inability to live within the parameters that have been established for living within the University Village. This sanction may include restriction of visitation rights to the Foundation Housing Service property. A resident whose License Agreement is revoked will still be held financially responsible for the term of the License Agreement.
- Restitution- Requirement that the student makes a payment to Foundation Housing Service or other persons, groups, or organizations for damages for which he/she is responsible. This is true whether the action was intentional or accidental.
- Community Service/Educational Sanction- Requirement to complete a work project, thereby giving something back to the community, and hopefully learning something at the same time. Whenever possible, there will be a logical relationship between the misconduct and the assigned community work project.

Consistency and Fairness

A conduct officer must evaluate each situation and student individually to arrive at the most appropriate sanction. As a result, a sanction for one student may differ from another with a "similar" policy infraction. This is because the conduct officer must consider multiple factors, including the details of the current incident, the student's

previous conduct history, attitude, and other factors in arriving at the best sanction for the individual.

Proceedings

All proceedings including the initial judicial hearing are carried out in a manner which is informal and at the same time assures fundamental fairness. Records regarding conduct proceedings, including Incident Reports, conduct letters and records from appeal proceedings, will be maintained by Foundation Housing Service. These may be reviewed during normal business hours by the student who is involved. A written request to review records must be made one day in advance so they may be prepared for viewing. Records will not be available to any member of the public except upon written consent of the students involved.

Appeal Process

Students have the right to appeal the conduct decision of the conduct officer if they feel it is unfair or unreasonable.

Conduct decisions made by the Assistant Director, Residence Life or Resident Directors may be appealed to the Director of Foundation Housing Service. To file an appeal, the student must submit a completed Conduct Appeal form within three (3) business days of receiving the conduct letter from the conduct officer. This form, which is available at the Foundation Housing Service office, will provide the student the opportunity to outline his/her reasons for appeal which may include:

1. The student contends he/she was not responsible for the misconduct and the conduct officer did not meet the "preponderance of the evidence" standard that is required.
2. The student contends the standard procedures ("due process") were not followed to the extent his/her rights were violated.
3. The student contends there is new evidence now available shedding new light on the case. (Students who failed to appear for the initial conduct meeting cannot use the appeal process to challenge the basic facts/evidence that were available, but not presented by them, at the time that the initial conduct meeting was held.) When legitimate new evidence is available, the case will be referred back to the conduct officer.

Burden of Proof

Up until the point of appeal, the burden of proof in determining the "preponderance of evidence" is upon the conduct officer. When a student initiates an appeal, which challenges the decision, the burden of proof switches to him/her. In other words, in the appeal, the student must demonstrate to the appeal officer that the initial conduct decision was unfair. Consequently, if a student fails to appear for the scheduled appeal meeting, the appeal will be denied automatically.

The appeal officer will investigate the case by talking with the student, any witnesses with pertinent testimony, and the conduct officer who made the decision(s) being appealed. The student has the right to be accompanied by a non-lawyer support person, to call witnesses, and to speak on his/her own behalf. Within seven (7) business days, the student will receive written notification of the final decision. The original conduct decision can be upheld, modified, or reversed. Decisions made by the appeal officer are final.

