

## **The University Committee on Student Discipline**

**Purpose** - The purpose of this committee shall be to conduct hearings on alleged infractions of University rules and recommend sanctions for individual(s) or group violations to the Vice President for Student Services. The hearing is not a formal process such as a civil or criminal trial but an educational endeavor, which deals with alleged disruptive behavior. Discipline in a university, by the very nature of the institution is educational, for that reason, formal rules of evidence shall not apply in disciplinary hearings.

**Membership** - The Vice President for Student Services will appoint the chairperson of the Committee on a case by case basis.

The committee shall consist of the appointed chairperson, three faculty members and three students. The faculty are recommended by the Faculty Council and appointed by the President of the University for terms of three years. These members shall be elected from at least two Schools or Colleges. Six alternate members shall be elected by the faculty for three-year terms at staggered intervals. No College or School shall be represented by more than two alternates. Deans, University Officers, Chairs, Division Heads, Directors of Centers and Institutes, and non-tenured faculty are not eligible for elections.

The students, one graduate or professional student, one male undergraduate and one female undergraduate are recommended by the Creighton Students Union and appointed by the President of the University from the student body at large for a term of one year. Six alternate students shall also be selected for one academic year—two graduate or professional students, two male undergraduate students, and two female undergraduate students.

**Voting** - A quorum of four (4) Committee members or three (3) members and the chairperson is required to hear cases. All issues, findings, or sanctions in a case will be decided by majority vote of the quorum. The chairperson will vote in case of a tie and, as stated above, if necessary to obtain a quorum. The Committee's determination shall be made on the basis of whether it is more likely than not that the accused is responsible for committing the alleged offense.

**Conflict of Interest** – If the case of any student is referred to the Committee with whom any member of the Committee has an actual or perceived conflict of interest, the Committee member may ask that member to excuse themselves in accordance with this section and shall not have access to any of the materials for the case from which they are excused.

### **Procedures of Student Discipline Committee Hearings**

1. The student receives advance written notice of the charges, time, date, and place of the hearing. The student and advisor will be allowed the opportunity to review and respond to any materials or evidence that will be presented at the hearing.

2. The student is advised prior to the hearing that he/she may bring another member of the University community with him/her as an advisor but that the student is expected to present the case in his/her own words. Attendance at disciplinary hearings will be limited to the student(s), his/her advisor, the University Judicial Officer investigating the alleged misconduct, chairperson and appointed members of the Committee. The student may bring one of his/her parents or a legal guardian to the hearing, and the student should advise the chairperson of the Committee at least 24 hours prior to the hearing date if he/she will be accompanied by a parent or a legal guardian at the hearing. The parent(s) or legal guardian may only observe at the hearing. They are not allowed to ask questions or make any comments. They are not permitted to act as the student's advisor, nor are they permitted to act as a witness for the student. Only committee members are allowed to be present during the Committee's deliberations. The University Judicial Officer may be consulted by the Committee when considering sanctions.

3. Any party to the proceedings may request the privilege of presenting witnesses. It is the responsibility of the accuser and accused to contact his/her witnesses request their attendance at the hearing and notify the chairperson of the Committee at least 24 hours prior to the hearing date. The chairperson may also contact witnesses to appear before the Committee.

#### **The Committee may ask questions of any witness.**

1. The student accused has the right to know the names of and confront all witnesses except in situations as described in Procedures Pertaining to Anonymity.

2. Written or oral statements or positions regarding the alleged offense and/or recommendations for sanction regarding the alleged offense may be submitted in advance of or at the hearing by the student or by others having relevant information about the circumstances or seriousness of the alleged offense.

3. All decisions of the University Committee on Student Discipline are subject to the approval of the Vice President for Student Services. Once approved, an administrative officer of the University will give the written decision to the student.

4. Normally all disciplinary matters and their outcomes are confidential. However, the *Higher Education Amendments of 1992* **require** the disclosure of the results of any disciplinary hearing alleging sexual assault to the victim.

#### **Procedures Pertaining to Anonymity in hearings before the committee on student discipline**

Anonymity will be granted a) when there is reasonable cause to believe that the physical or psychological welfare of the witness is in jeopardy; or b) the witness would be subject to harassment. Upon request of the witness, the University Judicial Officer will thoroughly investigate the incident and make a recommendation on the granting of anonymity, subject to the concurrence and approval of the Vice President for Student Services and the chairperson of the Committee. Any statements of an anonymous witness will be given to

the accused student prior to the hearing. The accused student may then challenge the statement and present questions to be answered by the anonymous person in a manner to be determined by the chairperson of the Committee.

### **Appeal Process from decisions of the committee on student discipline**

A student who wishes to appeal the decision of the University Committee on Student Discipline must file an Intent to Appeal form in the Office of Student Services within one working day after learning the Committee decision. The student will then be permitted up to three working days to prepare and hand deliver a written appeal with the student's signature to the Vice President for Student Services. Pending the response to the appeal, the student's status as a student will remain unaltered except in cases where there are reasons relating to the emotional or physical welfare of the student or of others, or reasons involving the safety of persons or property. The Vice President for Student Services will respond to the appeal in writing. The decision of the Vice President is final.

The appeal process described in the preceding paragraph, and the grounds for appeal described in the following paragraphs, shall also apply respecting nonacademic misconduct disciplinary matters initially handled by the Academic Dean of a professional school pursuant to delegation to such Dean by the Vice President for Student Services.

### **Grounds for Appeal**

The student may appeal only on the following grounds:

- 1) Procedural due process
- 2) Absence of sufficient evidence to support the decision
- 3) Submission of new evidence.

**PLEASE NOTE:** The severity of the sanction is not considered an acceptable reason to appeal.

An appeal shall not be considered to have been filed properly or timely unless it is specific. Letters must be complete enough so that a personal appearance will not be necessary. **A letter, which merely lists the grounds of appeal without concern for the individual case at hand, may be dismissed as frivolous.**