

# Guidelines for Student Conduct Hearings Effective August 14, 2020

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## Section 1: Introduction

Guidelines in this document are designed to set expectations for and clarify Kent State University Office of Student Conduct hearings as set forth through the following university policies:

[4-02: University policy regarding administration of student conduct](#); and  
[4-02.1: Administrative policy and procedures regarding regulations for student behavior and administration of student conduct](#); and  
[4-02.101: Operational definitions and information regarding regulations for student behavior and administration of student conduct](#)

## Section 2: Student Conduct Hearing Purpose

In all Student Conduct Hearings, a student Respondent is not presumed to have violated university rules until and unless there is a preponderance of the evidence that a university rule was violated. If it is determined that a university rule has been violated through the Student Conduct Hearing process, appropriate sanctions will be applied. In some hearings, if a student has acknowledged and accepted responsibility for violating one or more university rules, the hearing may solely focus on appropriate sanctions.

### Section 3: Participation in Student Conduct Hearings

Student Conduct Hearings may be held in person at the Office of Student Conduct at 119 Twin Towers (Beall/McDowell Hall) or through an online forum as necessary.

All Student Conduct Hearings are private and may be attended only by those individuals noted in this procedure and the code of conduct.

All Student Conduct Hearings are digitally recorded and maintained in accordance with the university administrative policy regarding record retention (provided for in rule 3342-5-15 of the Administrative Code). Recordings of a Student Conduct Hearing will be provided to the respondent/complainant only at the respective student's request and expense, and in accordance with university policies and the Family Educational Rights and Privacy Act (FERPA).

Some or all of the following may participate in Student Conduct Hearings:

Complainant – a person, persons, or student organization who submits a report alleging that a student or student organization violated university rules, regulations, or policies.

Conduct Advisor – any person who advises a student or student organization regarding university policies or procedures. Examples of conduct advisors include but are not limited to judicial advocates, parents, attorneys, etc. A conduct advisor may not serve in any other capacity in the hearing.

Hearing Officer – any Kent State University faculty, staff, or student who has been appointed to a student conduct decision-making role by the director of student conduct and has been trained through the office of student conduct.

Law enforcement / Investigator – University police services, other law enforcement agency representative, or non-law enforcement investigator (including office of compliance / Title IX representative) who may provide information resulting from an investigation.

Respondent – a student or student organization that has been accused, informally or through an incident report, of violating university rules, regulations, or policies.

Student Conduct Convener – director of student conduct (or designee) responsible for logistics and procedures associated with the student conduct process; the student conduct convener may simultaneously serve as a hearing officer.

Witness – any person who has direct information regarding an alleged incident; and/or a professional with demonstrated experience (such as a licensed health care professional) in a field directly related to an element relevant to the hearing.

## Section 4: Types of Student Conduct Hearings

Sanction Hearing – A sanction hearing is composed of one hearing officer and facilitated by a student conduct convener. A student conduct convener may serve as a sanction hearing officer and function in both roles. If a respondent, any time prior to the start of deliberation, informs the hearing officer and/or student conduct convener that responsibility for one or more accusations is not accepted, the sanction hearing is nullified, and a hearing panel may be scheduled. The sanction hearing process will immediately cease, and the hearing panel process will follow the code of student conduct.

Hearing Panel – A hearing panel is composed of three hearing officers and facilitated by a student conduct convener. The purpose of a hearing panel is to decide if a respondent is responsible for accusations, and if so, to apply educational sanctions. A student conduct convener may serve on a hearing panel and function in both roles.

Administrative Hearing – An administrative hearing panel is composed of one hearing officer appointed by the director of student conduct (or designee). The purpose of an administrative hearing is to decide if a respondent is responsible for accusations, and if so, to apply educational sanctions.

Academic Hearing Panels – Academic Hearing Panels are not addressed in this document. Academic Hearing Panels are a function of university policy [3-01.8, Administrative policy regarding student cheating and plagiarism](#).

## Section 5: Student Conduct Hearing Decorum

The person in the role of Student Conduct Convener, in conjunction with the Hearing Officers, control the decorum for Student Conduct Hearings. General expectations for all participants include:

- Adhering to instructions by the Hearing Officer(s) and/or Student Conduct Convener; and
- Allowing another person to speak without interruption; and
- Maintaining an appropriate volume when speaking; and
- Refraining from any form of physical contact with any other participant in the hearing without affirmative consent; and
- Other as deemed appropriate by the Hearing Officer(s) and/or Student Conduct Convener

Failure to abide by the previously stated decorum standards may result in the Student Conduct Convener and/or Hearing Officer(s) making adjustments to the hearing process. Adjustments made to the hearing process are situational, and may include, but are not limited to giving a verbal warning to cease specific behavior, pause or suspend the hearing, or remove any person from the hearing who is deemed non-compliant.

When possible, Student Conduct Hearings attempt to avoid academic class times for the Respondent and/or Complainant. If a Student Conduct Hearing directly causes a student to miss an academic class, the Office of Student Conduct may provide documentation verifying the student was in attendance for an administrative meeting.

Student Conduct Hearings may be adjusted at the discretion of the Director of Student Conduct (or designee) due to extenuating circumstances.

## Section 6: Student Conduct Hearing Components

There is no specific requirement for the order of the student conduct hearing components, so long as each component is addressed in accordance with the type of hearing and university policy.

General Hearing Information – The Student Conduct Convener describes the general process for the hearing. This may include but is not limited to decorum, recording of hearings, preponderance of evidence standard, and accusations alleged of the Respondent.

Introductions – The Student Conduct Convener will ask each participant in the hearing to introduce themselves. A hearing officer will ask the Respondent and any student Complainant introductory questions pertaining to general information not specific to the incident. Examples may include but are not limited to “why did you choose Kent State University”; “are you involved in any student organizations”; etc. The purpose of these questions is to learn more about the student as a person, outside of the context of a Student Conduct setting.

Law Enforcement / Investigator Information – If a law enforcement officer and/or an investigator has provided information for the Student Conduct Hearing Panel to consider, they will be asked to present a verbal summary of their report.

Respondent Information – The Respondent will be provided an opportunity to add or refute information from the incident report, investigation, etc.

Complainant Information – The Complainant will be provided an opportunity to add or refute information from the incident report, investigation, etc.

Witness Information – The Witness will be provided an opportunity to share direct information and/or information they may provide as a professional with demonstrated experience in a relevant field.

Questioning – See *Section 7: Questioning in a Student Conduct Hearing* in this document.

Deliberation – Private meeting by a student conduct hearing officer / panel / administrative hearing officer to render a determination of responsibility and sanctioning (if applicable). A student conduct convener may be present during deliberation.

Report of Finding – Written decision that explains the outcome of a student conduct hearing, or other action. A report of finding is provided to all respondents, and complainants in accordance with university policies.

## Section 7: Questioning in a Student Conduct Hearing

All persons questioning others in a Student Conduct Hearing are expected to abide by the decorum as outlined in this document.

At any time during a Student Conduct Hearing, the Hearing Officer(s) and the Student Conduct Convener may ask questions of any participating party.

A Hearing Officer or Student Conduct Convener may determine a question lacks relevance.

No party may be forced to respond to a question.

### Sanction Hearings

At appropriate times as instructed by the Hearing Officer and/or Student Conduct Convener, the Respondent, Complainant, law enforcement / investigators, and witnesses may directly ask questions of other participating parties.

Conduct Advisors may be present, but a Conduct Advisor is not permitted to participate in asking questions of any party during a Sanction Hearing.

### Hearing Panels

At appropriate times as instructed by the Hearing Officer and/or Student Conduct Convener, the Respondent, one Conduct Advisor for a Respondent, the Complainant, one Conduct Advisor for the Complainant, law enforcement / investigators, and witnesses may directly ask questions of the Respondent, the Complainant, law enforcement / investigators, or witnesses..

### Administrative Hearings

Additional information regarding questioning during Administrative Hearings is forthcoming. Once finalized, this document will be updated accordingly.

## Section 8: Conduct Advisors in the Student Conduct Process

A Respondent and Complainant may have up to two persons serving in a Conduct Advisor role in a Student Conduct Hearing.

A Conduct Advisor's direct participation in a Student Conduct hearing is limited to questioning as described in *Section 7: Questioning in a Student Conduct Hearing* of this document. For all other Student Conduct Hearing components, a Conduct Advisor may be present and provide guidance and support without disruption to the hearing as deemed by the Student Conduct Convener and/or Hearing Officers.

Additional information pertaining to the role of a Conduct Advisor in Administrative Hearings is forthcoming. Once finalized, this document will be updated accordingly.

## Section 9: Appeals

Information regarding appeals may be found in the aforementioned university policies and on the Office of Student Conduct website in the Process/Appeals tab:

<https://www.kent.edu/studentconduct/appeal>

The Office of Student Conduct compiles the submitted appeal and documentation from the Respondent(s), Complainant(s), law enforcement/investigator(s), the student's or student organization's disciplinary file(s), the digital recording of the hearing, and any additional information provided by the hearing officer(s) and submits these materials to an appeal panel for a recommendation to the vice president for student affairs (or designee).

Appeals may be made on the basis that:

- Procedural irregularity that affected the outcome of the matter, and/or
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and/or
- The hearing officer(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and/or
- For decisions resulting in separation from Kent state university only (including but not limited to suspension, dismissal, removal from university housing, and persona non grata): sanction(s) imposed were not appropriate for the conduct violation for which the Respondent(s) was found responsible.

The director of student conduct (or designee) has the discretion to extend the date to appeal process timelines for extenuating circumstances.

An appeal panel is composed of at least two Kent State University faculty, staff, and/or student hearing officers appointed by the vice president for student affairs who are trained by the director of student conduct (or designee).

The vice president student affairs may:

- Accept or deny an appeal depending on the basis of the appeal, and/or

- Alter an assigned accusation, and/or
- Alter or reverse a finding of responsible/not responsible, and/or
- Alter or reverse any sanction decision, and/or
- Remand the case to another hearing. A case may not be remanded more than once.

Timeline. An appeal panel will provide a recommendation to the vice president for student affairs (or designee) within fifteen calendar days of receipt of the appeal. The vice president for student affairs (or designee) shall provide a written decision within fifteen calendar days of receipt from an appeal panel. The decision will be provided to the Respondent(s) and Complainant(s) in writing from the office of student conduct.

Appeal decisions made by the vice president for student affairs (or designee) are final.