

3335-23-08 Administrative decision.

In all cases, a student charged with one or more violations of the student code has the right to a hearing. However, in a case where a charged student admits such violations in writing, the student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing officer, panel or board for a hearing. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a hearing officer, panel or board hearing. Administrative decisions involving graduate students are to be made in consultation with the graduate school. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the offense committed. (B/T 3/2/2001, B/T 7/7/2006, 12/7/2007)

3335-23-09 Notice of hearing.

If a hearing is to be held, written notification will be provided. The notice may be hand delivered, placed into a student's residence hall mailbox, sent by email to the accused student's official university email address, which will direct the student to view the notice on a secure website, or mailed to the last known address of the student, either by certified mail or first class mail, no fewer than ten calendar days prior to the hearing. Unless already provided to the student, the notification will include the charges, date, time, and location of the hearing, the designated hearing officer or panel, a statement of the student's rights, and information on the hearing procedures. The accused student may request a postponement for reasonable cause or a hearing separate from other accused persons. A request for a postponement for reasonable cause must be made in writing, include supporting rationale and be received by the person sending the hearing notification at least two business days before the scheduled hearing. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-10 Hearing procedures.

Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness, the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

- (A) Attendance at hearings is limited to those directly involved or those requested by the hearing officer or panel to attend. The hearing officer or panel will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.
- (B) The accused student may have an advisor throughout the hearing. The advisor may only counsel the student and may not actively participate in the hearing, unless clarification is needed as determined by the hearing officer or panel.
- (C) The accused may submit a written statement, may invite relevant fact witnesses to attend, may invite character witnesses to submit written statements, may as approved in advance by the hearing officer invite character witnesses to testify in person, may ask questions of witnesses called by others, and will be notified of potential witnesses to be called. The accused must also submit a list of potential witnesses, and identify those who are character witnesses only, to the hearing officer at least two business days prior to the hearing. The university may present witnesses as well as question those presented by the accused.
- (D) Written statements may be used for a fact witness (i.e., not a character witness) if, for good reason, a fact witness cannot attend the hearing.

- (E) In cases requiring special expertise, the panel coordinator may appoint individuals with appropriate expertise to serve as consultants to the panel. The consultants may be present and provide information as called upon during the hearing but will not vote.
- (F) Students are entitled to a presumption of innocence. Therefore, a student will not be found in violation unless a preponderance of evidence supports the charge(s). In the event of a tie, the panel will continue to deliberate. If after the panel determines that exhaustive deliberations have occurred and a majority decision is not reached the student will be found not in violation.
- (G) In cases where prompt review is essential (e.g., when graduation or the end of the academic year is imminent) the accused may be offered the option of an expedited administrative review consisting of an administrative decision or administrative hearing. The accused student may decline such expedited review without the expectation that the process can be completed on an expedited timeline. (B/T 3/2/2001, B/T 7/11/2003, B/T 12/7/2007)