

**University of Northern Iowa**  
**Student Conduct Code**  
**Administrative and Conduct Board Hearing Procedures**

Generally, allegations of conduct violations by students will be resolved through an administrative hearing with a Student Conduct Administrator. For allegations of misconduct when sanctions may include suspension or expulsion from the University, the respondent or complainant can choose to have their case heard by a Conduct Board (*per Student Conduct Code, Section XII, E*).

All hearings held to consider allegations of student misconduct will be held in accordance with the provisions of UNI 3.02 “Student Conduct Code” and these guidelines.

**I. General procedures for all hearings**

- A. Hearings will be conducted in private.
- B. To the extent possible and while ensuring that the complaint is heard in a timely manner, an effort will be made to conduct the hearing at a time that allows the respondent and the complainant to participate in their normal classroom activities.
- C. Formal rules of process, procedure, and/or technical rules of evidence, such as applied in criminal or civil court, are not used in student conduct proceedings.
- D. For alleged violations of UNI Policy 13.02 “Discrimination, Harassment, and Sexual Misconduct,” the investigation of an alleged violation and the development of an investigative report will be undertaken as described in that policy.

**II. Prior to all hearings**

- A. The Assigned Student Conduct Administrator will inform all involved parties of their rights as outlined in the Student Conduct Code and of all related processes and procedures.
- B. The respondent and complainant have the right to be assisted by an advisor of their choosing. Options for advisors will be reviewed with the respondent and complainant. Trained university advisors will be provided upon request and at no charge. The advisor may also be a parent, friend, staff or faculty member, or an attorney (provided at the student’s own expense).
- C. If applicable, during the investigation:
  1. The respondent and/or complainant will be given the opportunity to provide as much information as desired related to the incident.
  2. Parties may provide the names of individuals they request be interviewed as witnesses. Witnesses will be interviewed as deemed relevant to the incident by the Assigned Student Conduct Administrator/Investigator.
  3. Pertinent records, exhibits, and written statements will be accepted as information for consideration by the Student Conduct Administrator/Investigator.
- D. The Assigned Student Conduct Administrator will notify the respondent and/or complainant in writing of:
  1. The alleged conduct violation;
  2. A summary of the specific allegations; and
  3. The time, date, and place of the hearing.

### **III. Additional Procedures for Conduct Board Hearings**

- A. Conduct Boards will be comprised of three trained individuals: a Student Conduct Administrator serving as chair, a student, and a faculty member. In the rare occasion when a student or a faculty member is unavailable to participate in a given hearing, a trained Student Conduct Administrator may be substituted.
- B. The role of Student Conduct Administrator serving as chair of a Conduct Board will not be filled by the same Student Conduct Administrator who is assigned to administer a given case (herein referred to as the Assigned Student Conduct Administrator).
- C. When the respondent or complainant requests to have their case heard by a Conduct Board, except as provided in I.D. above, the Assigned Student Conduct Administrator will investigate the allegations. Investigations may include, but are not limited to, conducting interviews with the respondent, complainant, and witnesses resulting in summary reports of each interview, and the gathering of additional information, reports, videos, etc.
- D. The Assigned Student Conduct Administrator will notify the respondent and complainant in writing of: 1) the alleged conduct violation; 2) a summary of the specific allegations; 3) the time, date, and place of the hearing; 4) the names of the Conduct Board members who will hear the case; and, 5) the related procedures outlined in the Student Conduct Code and Conduct Board Hearing Guidelines.
  - 1. The respondent and/or complainant may challenge the participation of any member of the Conduct Board on grounds of prejudice.
  - 2. The respondent and/or complainant may request a new hearing time that does not conflict with class or work schedule. A student should select an advisor whose schedule allows attendance at the scheduled date and time for the Conduct Board because delays will not normally be allowed due to the scheduling conflicts of an advisor.
  - 3. Requests or challenges pertaining to “1” or “2” above, with rationale, must be submitted in writing to the Assigned Student Conduct Administrator at least three business days prior to the scheduled hearing.
  - 4. The Assigned Student Conduct Administrator will respond to requests or challenges within one business day of receipt and provide rationale for any given determination.
- E. After the Conduct Board Hearing is confirmed, the investigative report, any witness statements, and any other existing documentation related to the case will be made available to the Conduct Board members, respondent, complainant, and Investigator (if applicable). Except in circumstances that will not allow it, this information will be provided at least four business days prior to the hearing.
- F. The Conduct Board will accommodate concerns for the personal safety, well-being, and/or fears of confrontations of the respondent and/or complainant by using a room divider and/or by permitting participation by telephone, videotape, closed circuit television, video conferencing, videotape, audio tape, written statement, and/or other means, as determined appropriate by the Assigned Student Conduct Administrator.
- G. Additional pertinent records, exhibits, and written statements, not available during the investigation, may be accepted as information for consideration by a Conduct Board at the hearing at the discretion of the chair.
- H. All parties will be apprised that the proceedings and all documents, records, and exhibits related to the case are confidential.

- I. Persons making statements will be apprised that they are expected to do so truthfully and honestly. (Please see Student Conduct Code Section IX.F.1 regarding Abuse of the Conduct Process.)
- J. There will be a single audio recording of Conduct Board hearings. Deliberations will not be recorded. The recording is the property of the University of Northern Iowa and may be reviewed on campus by the respondent or complainant in instances of appeal. Written transcripts will not be created. Audio recordings are not considered a part of a student's conduct record for review after appeals are concluded.
- K. The respondent, complainant, and their advisors, if any, will generally be allowed to attend the entire hearing excluding deliberations. Admission of any other person to the hearing will be at the discretion of the Student Conduct Administrator serving as chair. Any person who is not following the hearing procedures or who is disruptive may be removed from the hearing, as determined appropriate by the Student Conduct Administrator serving as chair.
- L. The role of advisors is passive; they may not ask questions or make arguments during a hearing. Advisors may confer quietly with their advisee, exchange notes, and suggest questions to their advisee.
- M. The Assigned Student Conduct Administrator/Investigator will present their report and findings to the Conduct Board.
- N. The Conduct Board will ask any clarifying questions of all parties.
- O. The complainant will then have the opportunity to ask clarifying questions of all parties through the Student Conduct Administrator serving as chair.
- P. The respondent will then have the opportunity to ask clarifying questions of all parties through the Student Conduct Administrator serving as chair.
- Q. In unusual circumstances, the Conduct Board may request a recess to seek additional or clarifying information (e.g. additional witness statements, medical records, video recordings).
- R. The complainant and respondent will have the opportunity to make final statements, including impact statements.
- S. Past discipline of the respondent will be shared with the Conduct Board by the Assigned Student Conduct Administrator.
- T. The Conduct Board will have a final opportunity to ask questions.
- U. All procedural questions are subject to the final decision of the Student Conduct Administrator serving as chair.
- V. If a respondent or complainant, after having been provided notice as required in these guidelines, does not attend the hearing, the case will proceed with the available information relating to the charges being presented and considered. Subsequently, determinations regarding responsibility and sanctions (if appropriate) will be made.

#### **IV. Decisions for Conduct Boards**

- A. Following the hearing, the Conduct Board will deliberate in private.
- B. Upon conclusion of deliberations and after receiving input and recommendations from other Conduct Board members, the Student Conduct Administrator serving as chair will:
  - 1. Determine responsibility on the basis of whether it is "more likely than not" that the respondent violated the Student Conduct Code;
  - 2. Determine sanctions (if appropriate); and,

3. Write a hearing report describing the rationale for the decision and sanctions (if appropriate) to the Assigned Student Conduct Administrator.
- C. The respondent and complainant will be informed in writing within ten (10) business days of the decision of the Conduct Board by the Assigned Student Conduct Administrator.
  - D. Appeals will follow the procedures outlined in the Student Conduct Code.