Hearing Procedures for Resolving Violations of the Student Code of Conduct

A. All Student conduct hearings will be conducted in private.
B. The Student Conduct Officer will inform the Student that the conduct hearing is being recorded (when applicable).
C. The Student Conduct Officer will have provided the Student with a copy of their student rights and ask them to acknowledge that it has been reviewed and understood.
D. The Student Conduct Officer will review all of the materials and information that has been submitted. The materials may consist of, but are not limited to, a summary of the case as written by Public Safety, statements from witnesses, or statements from other persons involved in the situation.
E. After the submitted materials and evidence have been reviewed, the Accused will have an opportunity to refute or explain the materials or evidence and add information. The Student Conduct Officer and other university officials present may ask the Student questions and discuss the case. The Student may choose to remain silent (not answer any questions or make statements), or the Student (and their advocate) may participate in the discussion.
F. The Accused, the Complainant in cases where there is a charge of a D.19 (Student Gender-Based and Sexual Misconduct Policy – Title IX) standard, and the Student Conduct Officer are permitted to bring witnesses and question the witnesses of others. Witnesses from the Accused and Complainant need to be approved by the Student Conduct Officer.
   a. The RIT Student Conduct Process is not a court of law and legal rules of evidence and procedure do not apply. The Student Conduct Officer will determine in the officer's sole discretion the range of information permitted by witnesses which may be considered.
   b. If the Student Conduct Officer determines that a witness may be emotionally harmed by giving evidence in the presence of the Accused, the Student Conduct Officer may make other arrangements (such as use of a wall partition or video conferencing) to allow the testimony while not depriving the Accused of access to the evidence.
G. All procedural questions will be decided in the sole discretion of the Student Conduct Officer.
H. In cases where the Accused fails to appear at the conduct hearing, the hearing may still take place. A determination will be made and an outcome decided on the information available at the conduct hearing. The Accused's failure to answer charges or appear at the conduct hearing cannot be the sole basis for a responsible finding under this policy. In
addition, the Accused may be put on a conduct status for failure to attend a conduct hearing after receiving a written or electronic request to appear at the hearing.

I. Once all evidence has been submitted and discussed, and within the sole discretion of the Student Conduct Officer, the Accused and the Advocate will leave the room.

J. The Student Conduct Officer will deliberate and discuss the appropriate resolution of the case including appropriate statuses and conditions, if any, with other university staff that were present for the hearing before making a final determination.

K. In some cases, upon conclusion of the deliberation and discussion, the Accused and their Advocate will be asked to rejoin the conduct hearing and be informed by the Student Conduct Officer of the determination in person. If the determination is that the Student violated the policies, rules, or regulations of the university, the response to misconduct will be discussed. Upon conclusion of the conduct hearing, the Accused will be sent written notice of the determination and any status imposed within three (3) Business Days of the conclusion of the conduct hearing. This written notice will include the process by which the Student can appeal.

L. In some cases, upon conclusion of the deliberation and discussion, the Accused and their Advocate will be sent written notice of the determination within three (3) Business Days of the conclusion of the conduct hearing. If the determination is that the Student violated the policies, rules, or regulations of the university, the response to misconduct will be explained. This written notice will include the process by which the Student can appeal.

M. The conduct hearing is concluded when the Student Conduct Officer provides their determination, either in person or in writing.

N. If, in the sole discretion of the Student Conduct Officer, it is deemed appropriate, interim suspension or restrictions may be imposed during the time of an appeal or until the time to appeal has passed. (See D18, VIII. 4).

O. The Accused must file an appeal to the Student Conduct Appeal Coordinator within three (3) Business Days from the date of the electronic mailing of the outcome letter. (See D18.2)

P. Once the outcome is final (i.e., after the decision of an appeal or after the three (3)-day time to appeal has passed), the Student is required to complete all of the required conditions.

Q. There will be a single record of the conduct hearing and this record will be the property of the university. The record will be maintained in accordance with the provisions of C22.0 - RIT Records Management Policy.