

Hearing Procedures for Resolving Violations of the Student Code of Conduct

- A. All Student conduct hearings will be conducted in private. *
- B. If you do not show up for your hearing, it will be held without the benefit of your perspective. You will be notified of the outcome after your hearing has been completed.
- C. The Conduct Officer will facilitate introductions of everyone in the hearing. For guidance on Hearing Participants, see below.
- D. The Student Conduct Officer will inform the Student that the conduct hearing is being recorded (when applicable).
- E. The Student Conduct Officer will provide the Student with a copy of their student rights and ask them to acknowledge that it has been reviewed and understood.
- F. 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 others involved in the situation.
- G. After the submitted information has been reviewed, the Accused/Respondent will have an opportunity to share their perspective 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.
- H. The Accused/Respondent, the Complainant in cases where there is a charge related to [D19.0](#) (Student Gender-Based and Sexual Misconduct Policy – Title IX), and the Student Conduct Officer are permitted to bring witnesses and question the witnesses of others. Witnesses from the Accused/Respondent 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/Respondent, the Student Conduct Officer may make other arrangements (such as use of a wall

partition or video conferencing) to allow the statements while not depriving the Accused/Respondent of access to the information.

- J. All questions will be decided in the sole discretion of the Student Conduct Officer.
- K. Once all information has been discussed, and within the sole discretion of the Student Conduct Officer, the hearing will conclude and the Student Conduct Officer will deliberate. During this deliberation, the Accused/Respondent and the Advocate will be excused.
- L. The Student Conduct Officer will deliberate and determine the appropriate resolution of the case, which could include finding the Accused/Respondent not responsible, or could include a status of Warning, Probation, Suspension, or Expulsion if the Accused/Respondent is found responsible. The outcome might also include required educational conditions. The Student Conduct Officer will consult with other university staff if appropriate.
- M. At the conclusion of the hearing, the Student Conduct Officer will determine if an outcome could be delivered to the Accused/Respondent that same day or if more time is needed to prepare the appropriate outcome.
 - a. If the outcome can be determined that day, the Student Conduct Officer will reconvene the Accused/Respondent and Advocate after the break for deliberation and share the outcome in person. In these cases, the written outcome letter will typically be sent within three (3) business days.
 - b. If more time for deliberation is needed, the Accused/Respondent and Advocate will be released for the day and arrangements will be made to reconvene to share the outcome and/or provide the written outcome typically within three (3) business days.
- N. The conduct hearing is finished when the Student Conduct Officer provides their determination, either in person or in writing.
- O. 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 [D18.0](#), VIII. 4).
- P. The hearing outcome might fall within the guidelines of the Appeals Policy ([D18.2](#)).
- Q. Once the outcome is final (i.e., if the appropriate parties cannot appeal, after the three (3)-day deadline to appeal has passed, or after the decision of an appeal), the Accused/Respondent is required to complete all of the required conditions.
- R. 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.
- S. In cases where the Accused/Respondent fails to appear at the conduct hearing, the hearing may still take place. A determination of responsibility will be made and an outcome decided upon based on the information available at the conduct hearing. The Accused/Respondent'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/Respondent may be put on a conduct status for refusing to comply after receiving a notice to appear at the hearing.

Hearing Participants

*at the discretion of the hearing officer the conduct hearing may take place virtually. It is expected that the student has access to a camera and microphone in order to fully participate. If the student is unable to share the video or audio due to technology access, it is their responsibility to communicate this with the hearing officer prior to the start of the hearing.

Hearings intend to provide students opportunities to engage in educational conversations around reported behavior. In pursuit of this objective, hearings may only have a Student Conduct Officer and the Accused/Respondent present, or may involve others to represent impacted parties. Hearings held under the [D18.0](#) process typically consist of the student, Student Conduct Officer, Trained RIT Advocate, and other appropriate university administrators. Hearings held under the [D19.0](#) process typically consist of students, two Student Conduct Officers, a Public Safety staff member and Trained RIT Advocates or Advisors of Choice. The Student Conduct Officer will ultimately have discretion on hearing participants.

Student Support

Accused students in [D18.0](#) hearings can have one (1) RIT Trained Advocate during a hearing. Both Respondents and student Complainants in [D19.0](#) hearings can have one (1) RIT Trained Advocate *or* one (1) Advisor of Choice during a hearing, described below. Exceptions are described below. As the goal of the conduct process is student-centered, RIT Trained Advocates and Advisors of Choice serve as supportive assistants and do not serve as representatives of the student.

1. **Advisors of Choice.** Respondents and student Complainants in [D19.0](#) hearings can have one (1) RIT Trained Advocate *or* one (1) Advisor of Choice during a hearing. Advisor of Choice means a person who can provide quiet support to a student throughout the RIT Student Conduct Process.
2. **RIT Trained Advocates.** Accused students in [D18.0](#) hearings can have one (1) RIT Trained Advocate during a hearing. Both Respondents and student Complainants in [D19.0](#) hearings can have one (1) RIT Trained Advocate *or* one (1) Advisor of Choice during a hearing. The Center for Student Conduct and Conflict Resolution maintains a list of RIT Trained Advocates and can connect students with these RIT Trained Advocates. RIT Trained Advocate means a faculty or staff person trained by the Center for Student Conduct and Conflict Resolution to provide assistance to the Accused/Respondent throughout the RIT Student Conduct Process. An RIT Trained Advocate may fully participate in the conduct hearing acting in accordance with the provisions of the RIT Advocacy Program.
3. **Attorneys.** For [D18.0](#) hearings, Attorneys are not permitted to participate in or be present during any student conduct hearing, unless the same incident has resulted in an arrest and is being heard in a court of law, and upon the permission of the Student Conduct Officer. In those cases and for [D19.0](#) hearings, Attorneys serve as Advisors of Choice. Guidance for attorneys is as follows:
 - a. The attorney may be present with the student during the hearing
 - b. The role of the attorney is to provide the student with quiet support during the student conduct process
 - c. The attorney may not speak for the student, or address any hearing participants
 - d. If the attorney behaves in a manner that is determined to be disruptive by the Student Conduct Officers, the attorney may be asked to leave the hearing
4. **Parents/Guardians.** Parents/guardians are not permitted to participate in or be present during any student conduct hearing, unless the Accused/Respondent or Complainant is under the age of eighteen (18). In those instances, the Accused/Respondent or Complainant can bring one parent/guardian, in addition to an RIT Trained Advocate, to

the conduct hearing to serve as an advisor who provides quiet support. Parents/guardians can provide quiet support to a student throughout the RIT Student Conduct Process.

University Members

1. **Witnesses.** The Student Conduct Officer reviews and approves witnesses. Witnesses must be members of the RIT Community as students, faculty, or staff members in order to be present for the hearing. Other witnesses can make written statements to be available at the discretion of the Student Conduct Officer. Witnesses must have direct information regarding the incident; character witnesses are not allowed.
2. **University Liaisons.** The Student Conduct Officer determines university representatives who may be present at the hearing, including members from Public Safety, NTID, Center for Residence Life, Athletics, International Student Services, Fraternity and Sorority Life or other appropriate university administrators.
3. **Access Service Providers.** Sign language interpreters, deaf interpreters, captionists or other access service providers may be present if any participant in the hearing is deaf, hard of hearing, or requests an approved accommodation.