

## Conduct Process Overview

HRE receives reports regarding potential violations of HRE rights and responsibilities and/or the University of Utah Student Code of Conduct and Student Bill of Rights through a various reporting places. When a report of potential student misconduct is reported the following procedures are put in motion.

### 1. Request to meet

A hearing officer will contact the student to meet to discuss the alleged violation and the details around the situation. A hearing officer is a professional staff member within the Housing and Residential Education team.

A student will receive an email documenting the alleged violation, a request to meet or a specified time to meet, and the hearing officer's contact information. If the hearing officer does not hear back for the student in a timely fashion, the hearing officer may send a second request via email and try to contact the student by multiple communication methods. This could include contact by phone, text message, visit to student's room, and/or leave a letter in the student's room. Our goal is to meet with all student with alleged violations.

All email communication will be directed to the student's uemail account. It is the student's responsibly to check this email frequently and to respond to any requests to meet.

If the student chooses to not engage in the conversation with the hearing officer and/or does not appear at the scheduled meeting, the hearing officer, may make a determination of responsibility and assign appropriate sanctions without a student's participation. Incomplete sanctions can result in holds being placed on student accounts. An administrative hold restricts class registration and other official University of Utah requests.

Housing and Residential Education seeks to address policy violations in a way which prevents harm, centers learning, and encourages student accountability. All violations of HRE policy are addressed through our Student Conduct process which is guided by values of community, fairness, and responsibility.

### 2. Conduct Process

When the student appears for the meeting, they will have the opportunity to ask questions and to discuss the alleged violation/incident from their perspective. Hearing officers are considered a private, but not confidential party therefore reports of sexual misconduct, harm to self or others, may be reported to addition need to know professional staff members.

After completing discussion and any other process of the investigation of the alleged violation, the hearing officer will provide the student with a written letter, within 3 business days from completing the investigation, which states the following:

- The alleged violated policy and date it occurred.
- The findings
  - The determination of whether or not the student has been found responsible or not responsible for the alleged violations.
- A rationale
  - The reasoning why the finding were determined.

- Details on the assigned sanctions and completion due date.
  - Incomplete sanctions can result in holds being placed on student accounts. An administrative hold restricts class registration and other official University of Utah requests.
- The right to appeal the decision according to the grounds for appeal.

Any findings made through the conduct processes is based off the preponderance of evidence rule. This means hearing officers are deciding whether the student is responsible or not responsible must be 51% positive their decision is correct and justified.

### **3. Advisors or Legal Counsel representing students in the conduct process**

Students are welcome to bring a support person to scheduled meetings. Please note only one advisors will be permitted to be present with the student at a time. The conduct meetings are conducted by hearing officers, and are not quasi-judicial proceedings. Therefore, advisors/counsel may be present to advise and support student but may not actively participate in conduct meetings. Advisors/counsel may not answer questions posed to the charged student on their behalf. The role of the advisor/legal counsel is to advise and assist the student.

### **4. Sanctions**

Any student who is found responsible for violating the HRE rights and responsibilities or Student Code of Conduct may be subject to an array of the sanctions. Sanctions are given as a method to address policy violations in a way which prevents harm, centers around student learning, and encourages student accountability. Failure to complete sanctions by designated due could have an administrative hold placed on their University of Utah account. Holds affect student's ability to register for class and other University functions/requests.

### **C. Appeal Procedures**

A student who receives a sanction(s) have the right to appeal the finding based on three (3) specific grounds.

Grounds for appeals include:

- The student's due process rights were substantially violated in the hearing process.
- Sanctions are excessive and/or do not fit the nature of the violation.
- New evidence/information is available that was not known at the time of the hearing.

All appeals must be completed in writing to the designated appeal officer, within three (3) business days of the notification of finding and sanctions being given. The name and contact information of the appeal officer will be included in the original sanction letter.

The student's written request should include a full description of the reason(s) for the appeal (see grounds for appeal) and all pertinent information the student wishes to present to support the appeal, as the appealing student is not guaranteed an in-person meeting with the appeals officer.

The appeals officer will review the details of the original case, the appeal, the grounds for the appeal and issue a written decision to the student, within 10 (ten) business days from days from completing the investigation.

The appeals officer may either:

- Dismiss the allegation as unfounded.
- Modify the sanction given.
- Agree with the sanction imposed.

## **EVICITION**

As stated in your housing application, residents may be evicted from HRE facilities even after a first offense. Examples include:

- Repeated use or possession of alcohol, to include as few as two times—regardless if you are over the age of 21. The University of Utah is a dry campus.
- Possession, use or distribution of an illegal drug (including marijuana) or a controlled substance. If it is in your room, your pocket or anywhere else under your control, it is yours. Being in the presence of, or association with, is also a violation of policy.
- Possession of a weapon, with the exception of a concealed firearm held by a concealed firearm permit holder.
- Theft.
- Endangering self or others.
- Acts of violence: Physically hurting or causing injury to others, sexual assault/misconduct, fighting, pushing/shoving, etc.
- Tampering with fire safety equipment or devices. This includes, but is not limited to, creating false fire alarms and discharging fire extinguishers.
- Bomb threat.
- Failure to keep your financial account current.
  - **Payment** – Failure to pay and resolve any outstanding housing bills after notification is prohibited.
- Failure to complete educational sanctions assigned after being found responsible for a residence hall policy violation.

## **IMPLICATIONS OF EVICTION**

There are several implications of being evicted. Most obviously, is the requirement for you to vacate your on-campus housing space.

Other implications also include:

- Restricted access from visiting any on-campus HRE facility including the Peterson Heritage Center.
- Assuming full financial responsibility for all remaining housing costs.