

UNIVERSITY OF ILLINOIS SPRINGFIELD
STUDENT CONDUCT CODE

I. STATEMENT OF APPLICABILITY:

III. INITIATION OF DISCIPLINARY PROCEEDINGS:

An attempt should be made to resolve matters informally through discussion between the parties involved unless informal resolution would be inappropriate (e.g., cases involving sexual misconduct and/or violence). The Vice-Chancellor of Student Affairs (VCSA) or their designee may also be called upon by one or more of the parties to facilitate informal resolution. If matters cannot be resolved informally to the satisfaction of all parties, or if the parties choose to forego attempts of informal resolution, t

7. A statement of the remedy sought (if applicable).
8. The names and addresses, if known, of proposed witnesses.
9. Copies of supporting documentation, if any.

B. Transmission of Charge to the Student Hearing Board:

Upon receipt of a charge, the DOS shall forward the charge to the Chair of the Executive Panel of the Student Hearing Board as soon as practical. The DOS shall retain a copy of the written charge and record the date received and the date transmitted to the Executive Panel. The DOS shall maintain the official files and records of the proceeding.

IV. STUDENT HEARING BOARD:

The Student Hearing Board is created to ensure that students receive a speedy and fair process for resolving all matters governed by this procedure. The regular membership of the Student Hearing Board consists of four students, four faculty, two staff members, and two academic professionals, all of whom shall be selected by their respective advisory groups (Student Government Association, Academic Professional Advisory Council, Civil Service Advisory Council, Senate Executive Committee) in late spring. Faculty and staff will serve three-year terms and students will serve one year. The DOS is *ex-officio* and non-voting. The DOS is responsible for arranging training in the Code for new board members. Administrative and clerical support will be provided by the DOS. The Board will meet as a whole at the beginning of each semester for training.

A. Executive Panel:

The Executive Panel will receive all charges submitted, determine the assignments of such charges for proper action and disposition, establish a calendar for hearings, and notify the parties involved of their rights and responsibilities.

The Executive Panel will act with the authority of the Student Hearing Board between meetings of the Board and will keep the members of the Board and the UIS community informed of operations of the hearing system.

The Executive Panel shall consist of one faculty, one staff, one student, and the DOS (ex officio and not voting). In the event of an action involving the Office of Student Services or for all actions involving an alleged violation of the Sexual Misconduct Policy, a VCSA designee from another office will replace the DOS. Panel members and the Panel Chair shall be selected by the full Hearing Board. If a position opens or there is a conflict, a member from the Board may move into an Executive Panel spot. Executive Panel responsibilities include:

1. Upon receipt of a charge, the Chair will send a copy of the charge and this Procedure to the accused student as soon as practical. The accused student should retain copies of all documentation.
2. Within 10 business days of receipt, the Executive Panel will proceed

follows:

- a. Dismiss a case as inappropriately filed or clearly frivolous, providing written reasons.**

B. Hearing Panel:

1. Hearing Panel Composition:

Each panel shall include one faculty, one student, and one staff and the DOS or designee.

2. Hearing Panel Procedures:

- a. Upon receipt of the charge, the Hearing Panel shall convene within 10 business days.
- b. Chairperson: The DOS or designee will serve as the chair for the hearing panel. Vj g ej ckr gtupøu t gur qpuklkr\ uj cmdg vq eqpf wevc p ghgevkxg j gctkpi y kj in 15 business days of convening the Panel. The DOS or designee will not vote, but rather facilitate the process as well as be afforded the opportunity to ask questions.

c. Notice to the Parties:

The Panel chairperson shall notify the charging party and the accused student of the hearing in writing via campus mail, U.S. mail or e-mail at least 7 business days prior to a scheduled hearing. The notice shall include:

- (1) name of charging party
- (2) nature and date of the alleged disciplinary infraction
- (3) time and place of hearing
- (4) names of the hearing panel members to confirm there is not a conflict of interest.

d. Pre-Hearing Meeting; Exchange of Information

At least 5 days prior to the scheduled hearing the parties shall exchange the names of tentatively scheduled witnesses and copies of relevant documents.

e. Hearing:

- (1) The Hearing Panel will schedule a hearing for the parties to present relevant information, documents, and witnesses. The Panel members may pose questions and seek such information as is necessary for the fair and just resolution of the matter. Formal rules of legal evidence and procedure do not apply. The parties may bring to the hearing an advisor of their choice. The advisor cannot be a witness in the case but may be an attorney. A party is responsible for any costs associated with their advisor. Advisors may participate at the

discretion of the panel. The student may testify at their discretion; a

the witnesses has taken place, the hearing will proceed. Formal rules of legal procedure and evidence do not apply.

C. Hearing Panel

- i. Each Hearing Panel shall consist of one member of the faculty, one staff member, one student, and a non-voting Dean of Students designee. The faculty, staff, and student member of the Hearing Panel shall be members of the Student Discipline Committee. The Dean of Students designee shall serve as the Chair of the Hearing Panel. All panel decisions are by simple majority vote.
- ii. Hearing panel members must be free from conflicts of interest and bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A conflict of interest includes having participated previously in the complaint resolution process for the particular complaint being considered.
- iii. Panel members having such a conflict of interest or bias must recuse themselves and notify the Dean of Students so that a substitute can be designated.
- iv. Either party concerned that a panel member might have a conflict of interest or bias may in writing, explain the basis for the concern, and request a substitution of that official. Such requests must be received at least three days before the hearing to allow an appropriate substitution.
- v. If the Dean of Students is notified in writing that there is a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, or a faculty, staff, or student member is unable to serve, an alternate may be appointed **who is not a** member of the Student Discipline Committee. The alternate must receive all required training to serve on the Hearing Panel.

Before serving on a Hearing Panel, all members, including the chair, must receive a minimum of 8 hours of training, including on topics required by applicable state and federal law, as well as on any technology to be used at a live hearing.

- x. Cross-examination of the Complainant's Advisor
- xi. Additional evidence presented by Complainant
- xii. Additional witness testimony for the Complainant
- xiii. Cross-examination of the Respondent's Advisor
- xiv. Panelists Question the Witnesses
- xv. Additional evidence presented by the Respondent
- xvi. Additional witnesses for the Respondent
- xvii. Cross-examination of the Respondent's Advisor
- xviii. Panelists Questions of the Witnesses
- xix. Closing Statement by the Complainant
- xx. Closing Statement by the Respondent
- xxi. Hearing closes for panel deliberations

F. Hearing Panel

- ii. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of the UIS Code of Conduct or other applicable policy to the facts;
- v.

- B. New evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter;
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict