

Chapter I

JUDICIAL PROCEEDINGS

Most colleges have a structured format for investigating and resolving student conduct violations. A judicial office may be empowered to process and review these incidents and make determinations on appropriate punishment or sanctions. Alternatively, the judicial office may process the incidents through the administrative system. In more egregious situations, the perpetrator may also be subject to civil and criminal sanctions.

Many colleges state in the student handbook or on judicial forms that campus judicial reviews are not formal legal proceedings and general rules of civil or criminal procedure will not apply. Even if formal, external legal proceedings are undertaken, institutions will often proceed with their own internal judicial evaluation.

The forms that are typically used in campus judicial proceedings include incident reports, notification of charges, notice of hearing and plea, representation agreements, sanctions, disciplinary reports, and record of proceedings.

Incident Report

The judicial process usually begins with an injured or witnessing party filing an incident report. The incident report includes a detailed description of the event, names of person(s) involved,

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whether property was damaged, whether there were injuries, may cite the specific college policy violations alleged, and provide for the naming of other witnesses to the alleged violation.

Notification of Charges

Once the incident report has been submitted, a notification of charges is issued to the alleged perpetrator describing the conduct violation. These forms may also provide for a meeting between the accused and a university official. This phase represents the college's initial investigation into the matter.

The notice of charges form often describes the subsequent steps in the judicial process or, depending on the institution's policies, may ask the alleged perpetrator to select a procedural option for the disposition of the complaint through an administrative or judicial review.

Notice of Hearing and Plea

Upon evaluating the charges and interviewing the accused, there are several procedural options the institution or individual may select, including a hearing. Forms are then processed to record such issues as whether the accused pleads innocent, requests a hearing, pleads guilty and waives rights to a hearing, and/or the accused's acceptance or appeal of any proposed sanctions.

Representation Agreement

Depending on the institution's policies, forms for requesting advisory assistance in defending against disciplinary charges may be available. Student codes may allow an accused student to select a defined form of representation. Often this form will state

the institutional policies for the accused's representation such as an advocate's access to evidence or other conditions.

Sanctions

Where sanctions or other remedial measures are imposed on a student, a record detailing the conditions of any punishment and its approval by the university administration will usually be filed with the office in charge of judicial affairs. A copy will also be put into the student's disciplinary file.

Disciplinary Report

An administrative hearing officer or the university disciplinary board will decide the issues and report its findings. Forms for these reports usually include verification that proper procedure was followed, the basis for the ultimate decision, and the sanction imposed.

Record of Proceedings

Finally, a cumulative form recording the procedural history of the situation from the incident report to appeals to the final disciplinary report is filed with the dean of students and other appropriate university officers. Copies are also placed in the student's disciplinary file and sent to the student.

A. INCIDENT REPORTS

Name SS No. Campus Box Phone

Name SS No. Campus Box Phone

Incident Date: _____ Time: _____ Location: _____

Please check boxes of alleged violations:

- Code of Student Conduct
- ___ Abuse (Physical, Mental or Verbal)
 - ___ Academic Honesty
 - ___ Alcohol
 - ___ Campus Facility Use
 - ___ Computer Misuse
 - ___ Damage to Property
 - ___ Discrimination & Harassment
 - ___ Disruptive Behavior
 - ___ Falsification
 - ___ Fire Safety
 - ___ Fireworks, Explosives, Weapons & Other Dangerous Items
 - ___ Handbills & Notices
 - ___ Hazing
 - ___ Identification Cards
 - ___ Illegal Substances
 - ___ Laws (Federal, State & Local)
 - ___ Motor Vehicles

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- ___ Requests or Orders
- ___ Residential Living
- ___ Sexual Misconduct
- ___ Smoking
- ___ Social Event Guidelines
- ___ Solicitation
- ___ Theft or Unauthorized Possession
- ___ Use of College Name or Symbols
- ___ Visitors

Residence Hall Policies

- ___ College Furniture and Buildings
- ___ Damages, Repairs & Billing
- ___ Decoration of Rooms
- ___ Fire Safety
- ___ Housing Agreement
- ___ Miscellaneous
- ___ Noise Policy
- ___ Pets
- ___ Room Changes
- ___ Room Check Out Procedures
- ___ Room Keys
- ___ Room Search
- ___ Safety
- ___ Window Policy

Incident Description:

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• INCIDENT REPORT •

Person filing charge

Person being charged

Name: _____

Name: _____

Local Address: _____

Local Address: _____

Local Telephone: _____

Local Telephone: _____

Date of Incident: _____

Time of Incident: _____

Location of Incident: _____

Please describe the incident exactly as it occurred. Include all information that may be relevant.

Signed: _____ Date: _____

Note: All participants are expected to refrain from public disclosure of reports. This information and the entire case file may be seen by the person charged.

• INCIDENT REPORT •

Name of Alleged Offender _____ D.O.B. _____
Address _____
Telephone Number _____ Social Security Number _____
Specific offense allegedly committed _____
Time and date of alleged incident _____
Place alleged incident occurred _____
Description of property involved in alleged incident and dollar
value _____

Factual description of alleged incident

What immediate action was taken by the complainant:

Witness to Incident

Name _____ Name _____
Address _____ Address _____
Telephone Number _____ Telephone Number _____

I verify that the above information is true to the best of my
knowledge.

Signature _____ Address _____

Print Name Legibly _____ Phone _____
Date _____

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• INCIDENT REPORT •

Incident Date: _____ Time: _____ Location: _____

Students Involved			
Name	ID Number	Room#/Hall	Phone Number
_____	_____	_____	_____
_____	_____	_____	_____

Were Campus Police notified? Yes__No__ If yes, list name(s) of the responding officer(s) at the end of this incident report.

Were other staff/witnesses involved? Yes__No__ If yes, list name(s) at the end of the incident report.

Was any property damaged? Yes__No__ If yes, detail at the end of the incident report.

Signature of Person Reporting

Position

Room #/Hall

Phone

Date

Description of incident (Please use concise, objective language.):

My signature indicates that I have read and received a copy of this report. It does not indicate an admission of guilt. I understand this report may be forwarded for further disposition which may include formal disciplinary action.

Signature of student

Date

• INCIDENT REPORT •

Incident date: _____ Time: _____

Location: _____

Individual(s) Name being documented:

Name	Address	Social Security #
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(1) _____	_____	_____
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Charges

(2) _____	_____	_____
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Charges

Please provide an objective and detailed account of the incident:

Witness:

Name	Address	Phone #
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(1) _____	_____	_____
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(2) _____	_____	_____
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Report filed by:

Name	Address	Phone #
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(1) _____	_____	_____
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Signature

Date

I. Judicial Proceedings

• INCIDENT REPORT •

Name of accused party:

Name of person filing complaint:

Date of this form: _____

Date of incident: _____

Incident witness(es): _____

Incident description:

You are advised that any complaint (civil or criminal) can be made with the police for pursuit in the court system whether the university conducts a hearing or not.

Signature of person filing complaint: _____

Return this form to the student affairs office as soon as possible for timely investigation to occur. If we do not receive this form within 30 days of the date of this form, the case will be closed.

B. NOTICE OF CHARGES

Name of Student: _____
Date: _____
Current Address: _____
SS#: _____
Phone #: _____
Charges: _____
Meeting Notes:

I accept this notification that I have been charged with the above violation(s) of the code of student conduct and am entitled to a conduct conference and/or a judicial review panel hearing. I may chose to waive these procedures and resolve this issue at a mutually agreeable time. Furthermore, I understand that I will have the right to appeal the outcome of any judicial procedure to in accordance with the established appeal process policies.

Student's Signature

I wish to schedule the following procedure: __conduct conference
__ judicial review panel hearing

Judicial Officer Time Date Location

Student's Signature

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• NOTICE OF CHARGES •

Date: _____

Dear _____,

This letter is in regard to the enclosed report that states you were allegedly involved in an incident where possible violations of the student code may have taken place. The incident alleged is:

_____.

A meeting has been scheduled for you to discuss the incident and determine what action is necessary to resolve the situation.

Your meeting is scheduled for:

Time	Day	Date	Location
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If you are unable to attend this meeting at the scheduled time, you must call our office (between 10:00 a.m. and 5:00 p.m. Monday through Friday) at least 3 days before the meeting, to reschedule your appointment. If you do not reschedule or if you fail to attend the appointed meeting, the complaint will be processed and a decision made pursuant to the policies in the student code.

Sincerely,

Office of Student Affairs

• NOTICE OF CHARGES •

DATE:

TO:

FROM:

RE: Notice of alleged violation(s) of student conduct regulations

On _____, a complaint was filed against you by _____
_____. Specifically, the complaint states that on:

This incident is an alleged violation of the student conduct regulations, section(s) _____.

Procedural Interview

The next phase of the judicial process is for you to meet with an administrator who will conduct a procedural interview. The purpose of the procedural interview is to review the charges, provide you with an explanation of the disciplinary process, discuss your options with regard to these charges, and advise you of the potential sanction(s) for the alleged violation(s).

The procedural interview will be held on _____ in the judicial affairs office. Interviews may be rescheduled at the discretion of the hearing officer. If you fail to appear at the interview, an administrative hearing will be conducted and a decision made pursuant to the policies in the student code.

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Name _____ Date _____

Address _____

Social Security Number _____

I have received an incident report dated _____

which alleges: _____

Please provide your description of the event: _____

I have scheduled a preliminary meeting for you on _____
in my office.

The purpose of the preliminary meeting is described in the student
judicial code, a copy of which is enclosed.

Should you fail to attend the preliminary meeting, I will enter a
plea of not guilty on your behalf and schedule a hearing before a
hearing officer, thus waiving your right to a hearing before a
hearing board. Please be informed that I will assist the complain-
ant in presenting the case against you if brought to a hearing.

Student advocates are available to assist you or to answer
questions regarding the preliminary meeting or any subsequent
stage of the judicial process. Enclosed is a list of advocates.
You are urged to contact an advocate if you need assistance.

B. Notice of Charges

If you have any questions, please contact me.

Administrator

Proof of Service

The undersigned served the foregoing notice of charges and a copy of the student judicial code upon (name) _____

_____ a. in person _____ b. by mail on the _____ day
of _____

Signature of Server _____

C. NOTICE OF HEARING AND PLEA

Date: _____

Student: _____ ID No.: _____

Student/Police complaint number: _____

Date of incident: _____

Description of incident: _____

Possible violations of the student code: _____

University investigation/proposed action: _____

You are advised that any complaint (civil or criminal) can be made with the police for pursuit in the court system whether the university conducts a hearing or not.

Signature of Hearing Officer _____

Acknowledgment of receipt of this document and attached statements or reports. By signing this document you are not admitting to guilt, only acknowledging receipt of the document(s).

Student's Signature _____

To be signed by Student:

I agree to waive my right to three days notification of a hearing and request that the hearing be held today.

Student's Signature _____

• NOTICE OF HEARING AND PLEA •

I understand my rights and options as described in the student judicial code. I am therefore exercising my option to:

___ plead not guilty in the matter of _____

I request that my case be heard by:

___ a hearing officer

___ a hearing board

Signature _____

Date _____

___ plead guilty in the matter of _____

I waive my right to a formal hearing and accept the sanctions levied by the adjudicator which is/are:

Signature _____

Date _____

___ plead guilty in the matter of _____

I do not accept the sanctions levied by the adjudicator which is/are: _____

Therefore, I request an appeal hearing on the grounds that the sanction(s) are too severe for my offense.

Signature _____

Date _____