

STUDENT DISCIPLINARY PROCEDURES

SECTION 1. – GENERAL

- A. These disciplinary procedures apply to any student or student organization alleged to have violated the *Student Code of Conduct*¹ or other published rules of student conduct promulgated by the University, except cases that fall under the University's *Academic Integrity Policy*² which governs matters involving academic dishonesty such as cheating, collusion, fabrication, fraud, or plagiarism.
- B. For acts that constitute violations of law and University policy, students may be accountable to both civil authorities (city, county, state or federal) and to the University. University disciplinary action may proceed before, during, or after the pendency of criminal proceedings and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced, or if a student has been found not guilty.
- C. Throughout the disciplinary process, students may be assisted by an advisor, who may be an attorney, but who is not otherwise a Party or witness. Advisors may simply provide support in a manner that does not disrupt or unduly delay at any disciplinary proceeding, or may present the student's case at a disciplinary appeal hearing.
- D. Reports of student involvement in sexual or gender-based harassment or sexual misconduct will be resolved according to the University's policies and procedures for such cases.
- E. At the discretion of the Dean of Students, the University may use dispute resolution or mediation in addition to or in place of these disciplinary procedures, provided however, that mediation will not be used to resolve cases involving allegations of sexual assault.
- F. Student records generated during the investigative, determination, and appellate processes associated with the University's disciplinary system are "education records" subject to the Family Educational Rights and Privacy Act (FERPA).
- G. Disciplinary correspondence will be transmitted electronically on the day of issue to the affected Parties via their University email address. The University will deem such materials to have been delivered to and received by the intended recipient(s) on the day of transmission. The affected Parties are responsible for accessing their electronic communications in a timely manner.
- H. The definitions provided in the Arizona Board of Regents Policy Manual, Chapters 5-302 and 5-308(E), are applicable to these procedures except where otherwise indicated. As used herein, the term "Dean of Students" means the Dean of Students or designee.
- I. These procedures will be used to resolve all cases of alleged student misconduct reported on or after this document's latest revision date, regardless of when the incident(s) occurred.
- J. Minor procedural deviations that do not materially affect the fairness, adequacy, impartiality or reliability of a disciplinary proceeding conducted under these procedures will not constitute grounds for challenging, annulling or overturning the outcome.

¹ Arizona Board of Regents, [Policy Number 5-308, Student Code of Conduct](#), revised September 2018.

² Northern Arizona University, [Academic Integrity Policy \(Number 100601\)](#), revised August 2019.

SECTION 2. – DISCIPLINARY PROCEDURES

A. Initiation

1. A disciplinary investigation may be initiated by submitting a referral to the Dean of Students. The Dean also may initiate an investigation based on any other source of reliable information.
2. A referral must state sufficient facts, including specific name(s), date(s), location(s) and description(s) of the alleged act(s) of misconduct to enable the Dean of Students to decide whether further fact-finding is necessary.
3. Where alleged policy violations involve discrimination, sexual or gender-based harassment or sexual misconduct, the Dean of Students will consult with the Equity and Access Office and the Title IX Coordinator.

B. Interim Action

1. The Dean of Students may restrict or suspend a student for an interim period prior to the resolution of a disciplinary proceeding if the Dean becomes aware of reliable information that supports an allegation of misconduct, and determines that the continued presence of the student on campus or at University sponsored events poses a threat of harm or substantial disruption.
2. A decision to restrict or suspend a student for an interim period, and the information on which the decision is based, will be communicated in writing to the student and will become effective immediately as of the date of the written decision.
3. A student who is restricted or suspended for an interim period may, within five (5) business days from the effective date of the interim action, provide information contesting the restriction or suspension. Based upon the information provided, the Dean of Students will determine whether the restriction or suspension should remain in place.
4. The interim action will remain in effect until a final decision has been made on the pending allegations of a University policy violation(s) or until the Dean of Students determines that the reasons for imposing the interim action no longer exist.
5. The Dean of Students may impose other forms of interim action, such as but not limited to, no-contact directives, removal from or relocation of University housing, mandatory changes to an academic schedule, or exclusion from campus locations. At the discretion of the Dean of Students, such remedial or interim protective measures may be permanently implemented absent a finding of responsibility for an alleged violation.

C. Investigation

1. The Dean of Students will make an initial determination as to whether there is a sufficient basis to believe that a violation of the *Student Code of Conduct* may have occurred.
2. If the Dean of Students determines that there is a sufficient basis to believe that a student may have violated the *Student Code of Conduct* and chooses to pursue the violation, the Dean will in a timely manner notify the student in writing of the alleged violation. The Dean will gather further information as needed by interviewing witnesses, reviewing documents, and by collecting other relevant and credible information or evidence.
3. Prior to determining whether there is a sufficient basis to conclude that a student is more likely than not to have violated the *Student Code of Conduct*, the Dean of Students will provide the student with notice of their right to be supported by an advisor and an opportunity to respond to the investigative findings that the Dean believes may support such a potential conclusion.

4. A student who is alleged to have violated the *Student Code of Conduct* will be provided an opportunity to meet with the Dean of Students. Students may accept responsibility for *Student Code of Conduct* violations and waive their rights to further procedures. A student who fails to attend the meeting with the Dean will forfeit their right to respond regarding the alleged violation, unless the student can demonstrate that extraordinary circumstances prevented their appearance. If the student fails to attend the meeting or to demonstrate that extraordinary circumstances prevented their appearance, the Dean may proceed as described in Paragraph D of this section.
5. The Dean of Students will provide the student with the following:
 - a. An explanation of the alleged violation(s);
 - b. A summary of the investigative information gathered;
 - c. A reasonable opportunity for the student to reflect upon and respond on their own behalf to the allegations; and
 - d. An explanation of the applicable disciplinary procedures and potential sanction, including the student's right to an appeal hearing before the University Hearing Board if suspension, expulsion, or degree revocation is imposed.
6. As necessary, any further information gathered will be presented to the student and the student will be provided with an additional opportunity to respond.

D. Determination and Appeal

1. The Dean of Students will determine by a preponderance of the evidence whether it is more likely than not that the student is responsible for violating the *Student Code of Conduct*, and if so, the appropriate disciplinary sanction to apply. In determining the sanction, the Dean will consider any mitigating or aggravating factors, including any prior violations.
2. The Dean of Students will inform the student of the Dean's decision in a written outcome letter, or in cases involving suspension, expulsion or degree revocation, by providing a written "Memorandum of Findings and Sanction," within five (5) business days of the student's last opportunity to respond to an alleged policy violation(s). The decision notice will include a statement of the policy violation(s), a summary of the investigative findings, the Dean's determination of responsibility or no responsibility, the sanction if any, an explanation of the student's rights of appeal if any, and the deadline for filing a timely notice of appeal.
3. The decision by the Dean of Students is final, unless within the prescribed timeframe, the student requests a hearing before the University Hearing Board to review a decision to suspend, expel, or revoke a degree. The effective date of a suspension (except for interim suspension), expulsion, or degree revocation may be no sooner than after five (5) business days following the date of the Dean's written decision notice.
4. If the sanction includes suspension, expulsion or degree revocation, the student will be informed of their right to request a hearing before the University Hearing Board by filing a written notice of appeal with the Dean of Students within five (5) business days of the date of the Dean's Memorandum of Findings and Sanction. The student may appeal the Dean's finding of responsibility and the sanction, or just the sanction as unreasonable or excessive.
5. If the sanction includes suspension, expulsion or degree revocation, the filing of a timely written notice of appeal will suspend the imposition of the sanction (except for interim suspension) pending the outcome of the disciplinary process. If the sanction is suspension or expulsion, and the student requests a hearing, the student will not be permitted to graduate until the disciplinary process has concluded. If the sanction is degree revocation, the University will not release an official transcript until the disciplinary process has concluded.

6. If a student subject to suspension, expulsion or degree revocation elects not to appeal a finding of responsibility for a policy violation by the Dean of Students, the Dean's decision will become final and effective after five (5) business days following the date of the Dean's written decision.

E. Review by the University Hearing Board

1. Purpose

The University Hearing Board conducts hearings and makes recommendations concerning suspensions, expulsions, and degree revocations. The Hearing Board is advisory to the Vice President for Student Affairs who will make the final decision. The Hearing Board's recommendation may have two parts depending on the nature of the appeal. First, the Hearing Board may make a recommendation as to whether, based upon a preponderance of the evidence, it is more likely than not that the student violated the *Student Code of Conduct* or other applicable rule or policy. Second, the Hearing Board may make a recommendation as to whether the sanction imposed by the Dean of Students should be affirmed or modified.

2. Composition

Student disciplinary hearings will be conducted by a Hearing Board composed of five (5) trained members, to include two (2) students, two (2) faculty members, and one (1) non-faculty employee. The Vice President for Student Affairs will appoint the hearing board members and will designate one member as Chair, who will serve as the Hearing Board's presiding officer.

3. Pre-Hearing Procedures

- a. The Vice President for Student Affairs will notify the Hearing Board members and the Chair in writing of their selection.
- b. In a manner consistent with Section 1(G) of these procedures, the Chair will prepare and transmit a written "Notice of Hearing" to the student and the Dean of Students no less than twenty (20) calendar days prior to the scheduled hearing date. The notice will include:
 - i. A statement of the date, time, location, and nature of the hearing;
 - ii. A statement of the Hearing Board's legal authority and jurisdiction;
 - iii. A statement of the alleged policy violation(s) that specifies the allegations of misconduct in sufficient detail to enable the student to effectively respond;
 - iv. Notice of the student's right to be assisted by an advisor in a manner consistent with Section 1(C) of these procedures;
 - v. A copy of or hyperlink to the *Student Code of Conduct*, other applicable rules or policy, and these *Student Disciplinary Procedures*;
 - vi. The names of the Hearing Board members and the name and title of the University Representative who will present the matter on behalf of the University;
 - vii. An explanation of the pre-hearing information exchange requirement and notice that the Hearing Board will not accept or consider evidence not previously disclosed in accordance with Section 2(E)(3)(d) of these procedures;
 - viii. The University business address of the Chair; and
 - ix. Notice of the student's right to challenge the participation of any Hearing Board member or the University Representative on the basis of bias or conflict of interest, and the deadline and procedure for doing so.

- c. A student who cannot attend the hearing on the date scheduled due to extraordinary circumstances must notify the Hearing Board Chair in writing. The Chair will determine whether to approve or deny the request to reschedule the hearing.
 - d. No later than five (5) business days prior to the hearing, the Parties will exchange and provide the Hearing Board Chair with the following information in writing:
 - i. The names of all witnesses who may be called to speak at the hearing;
 - ii. A concise summary of the anticipated statements of each witness;
 - iii. Copies of all documents and copies or a description of all other evidence to be presented at the hearing; and
 - iv. The name of the advisor, if any, who may be present to support the student.
 - e. A student may challenge the participation of any member of the Hearing Board or the University Representative on the grounds of bias or conflict of interest by submitting a written statement to the Chair setting forth the basis for the challenge no later than five (5) business days prior to the hearing. The Chair will determine whether to sustain or deny the challenge. If the challenge is sustained, the Vice President for Student Affairs will appoint a replacement member to serve on the panel. If a challenge is filed against the Chair, the Vice President will rule on the challenge.
 - f. Members of the University community are expected to comply with any reasonable request issued by the Hearing Board Chair in connection with a disciplinary proceeding. At the request of the student or the University Representative, the Chair may send a written communication to a University community member requesting their participation at a disciplinary hearing and providing notice of the University's expectation of their participation.
 - g. The Hearing Board Chair may choose to conduct a pre-hearing conference with the Parties to clarify the hearing procedures, to prepare, and to facilitate the process. A student who cannot attend the pre-hearing conference on the date scheduled due to extraordinary circumstances must notify the Chair in writing, who will determine whether to approve or deny the request to reschedule the pre-hearing conference.
 - h. For good cause shown by either Party, the Chair may extend the Hearing Board appeal process timeframes and deadlines by notifying all Parties in writing.
4. Conduct of the Hearing
- a. In order to preserve the confidential nature of the disciplinary process, and to protect the privacy interests of the student who is charged with the violation and the witnesses who may provide information, the hearing will be closed to non-participants.
 - b. The Chair will preside at the hearing and will rule on all procedural matters. Formal rules of evidence will not apply, although the Chair may consider objections to the introduction of specific statements or evidence. The Chair will exclude irrelevant, immaterial, privileged, or unduly repetitious information or testimony and will bar argumentative or belligerent questioning. The Chair may establish reasonable time limits for oral presentation and examination of witnesses and other evidence.
 - c. If the student is represented by an attorney, the University Representative may also be represented by an attorney.
 - d. The University Representative will present the information that supports the charges and the sanction imposed. The University Representative will have the burden of showing that a violation was more likely than not to have been committed by the student. The Hearing Board

will not consider the question of sanction until the student either accepts responsibility for the alleged violation(s) or the Hearing Board concludes that the student is responsible for the alleged violation(s).

- e. Information regarding prior misconduct will not be used as proof of a current violation, but may be admitted for other purposes, such as to show that the student had prior experience relevant to the alleged policy violation(s) or to show that the student had previously been informed that the conduct was not acceptable. The Hearing Board may consider evidence of prior misconduct in determining an appropriate sanction.
- f. A student who fails to appear or refuses to participate at the hearing will be deemed to have abandoned their request for an appeal, unless in the judgment of the Chair, the student can demonstrate that extraordinary circumstances prevented their appearance.
- g. The hearing will be recorded by electronic device. The recording will be available for transcription in whole or in part upon request. The requestor will pay the cost of the transcript.
- h. Except as otherwise permitted by the Chair, witnesses will be excluded from the hearing except during their own testimony. However, any victim, as defined by and provided the right to attend such hearings by law, will be permitted to attend the hearing in its entirety.
- i. Following an introductory statement by the Chair stating the nature and scope of the hearing and any stipulations agreed to by the Parties, the order of presentation will be as follows:
 - i. The University Representative will present an opening statement to summarize what the gathered information and evidence is expected to show.
 - ii. The student may present an opening statement or may reserve their opening statement until beginning the presentation of their response.
 - iii. The University Representative will call witnesses to provide statements under oath.
 - iv. At the conclusion of each witness statement, the student will have the opportunity to question each witness.
 - v. Following any questioning by the student, the University Representative and the Hearing Board members may ask further questions of each witness and the student may ask follow-up questions.
 - vi. Following the testimony of all witnesses called by the University Representative, the student will present their response.
 - vii. Each witness for the student will be called to testify. The procedure will remain the same as described above.
 - viii. Following the close of the student's presentation, the University Representative may call witnesses to refute statements made by the student or the student's witnesses. If such witnesses are called, they will be subject to the same procedure outlined above.
 - ix. The student will have the opportunity to respond to any rebuttal witnesses or information presented by the University Representative.
 - x. The Parties may only call witnesses or introduce other evidence previously disclosed in accordance with Section 2(E)(3)(d) of these procedures. In the absence of extraordinary circumstances as determined by the Chair, the Hearing Board will not

accept or consider testimony by witnesses or other evidence that was not properly disclosed prior to the hearing.

- xi. Following the presentation of witnesses and all other allowable evidence, the Parties may deliver closing statements that summarize the information presented. The University Representative will present their closing statement first, followed by the student.

F. University Hearing Board Deliberations and Recommendation

1. Immediately following the conclusion of the hearing, the Hearing Board members will carefully deliberate. Only the members of the Hearing Board, and its legal advisor if any, may be present during the Hearing Board's private deliberations, which will not be recorded or transcribed.
2. Based solely upon the information presented during the hearing, the Hearing Board will formulate a recommendation to the Vice President for Student Affairs as to whether, based upon a preponderance of the evidence put forth, a violation was more likely than not to have been committed by the student, and if so, what sanction should apply. A minimum of three supporting votes is necessary to make any recommendation.
3. The Hearing Board will not deliberate on the appropriate sanction unless and until it determines that the student is responsible for the violation or the student has accepted responsibility for the violation. In determining the appropriate sanction, the Hearing Board may consider any relevant mitigating or aggravating circumstances.
4. The Hearing Board will render its recommendation after conclusion of the hearing and its deliberations. The Chair will communicate the Hearing Board's recommendation in writing to the student, the Dean of Students, and the Vice President for Student Affairs within three (3) business days of the hearing. The recommendation will include findings of fact and a statement explaining and supporting the Hearing Board's recommendation, and will be signed by the Chair on behalf of the Hearing Board members.

G. Review and Decision by the Vice President for Student Affairs

1. Following a review of the Hearing Board's recommendation and the related case materials, the Vice President for Student Affairs will render a written decision that either affirms, denies or modifies the Hearing Board recommendation. If the Vice President does not accept the Hearing Board's recommendation, the Vice President will explain any variance from the recommendation in the final decision outcome letter. The Vice President will also provide notice of the student's right to seek judicial review within thirty-five (35) calendar days pursuant to the Arizona Administrative Review Act, A.R.S. § 12-901, *et seq.*
2. The Vice President for Student Affairs will issue the final outcome letter concurrently to all Parties no later than ten (10) business days following receipt of the Hearing Board's recommendation, except when it becomes necessary to conduct further investigation or to remand the matter back to the Hearing Board, in which case the written decision will be transmitted no later than ten (10) business days following completion of any subsequent investigation or recommendation by the Hearing Board.

H. Request for Review or Rehearing

1. The decision of the Vice President for Student Affairs will become final and effective after fifteen (15) calendar days from the date it is issued, unless the student requests a review or rehearing. A student who is dissatisfied with the decision reached by the Vice President for Student Affairs may request a review or rehearing by filing a written notice with the Executive Vice President and Chief of Staff within fifteen (15) calendar days of the date of the final outcome letter issued by the Vice President.

2. A request for review or rehearing is not an appeal. Instead, it is solely an opportunity for the student to make the Executive Vice President and Chief of Staff aware of any irregularities or illegalities in the proceedings or of significant new material evidence that could not have been provided earlier for consideration. A request for review or rehearing must be based on one or more of the following grounds:
 - a. Irregularities in the proceedings or any abuse of discretion or misconduct by a University official that has deprived the student of a fair and impartial disciplinary process;
 - b. Newly discovered material evidence which could not have been presented during the fact-finding or hearing process;
 - c. Excessive severity of the sanction, rendering it grossly disproportionate to the violation(s) committed when considering all relevant aggravating and/or mitigating factors; or
 - d. The decision is not reasonably justified by the evidence or is contrary to law.
3. The Executive Vice President and Chief of Staff will first determine whether the student's request sets forth proper grounds for requesting a final review or rehearing, and will then undertake or direct whatever additional investigation, review or rehearing the Executive Vice President and Chief of Staff determines is necessary to resolve the issue(s).
4. The Executive Vice President and Chief of Staff will respond in writing to the student's request for review or rehearing within ten (10) business days of receipt of the request. The Executive Vice President and Chief of Staff may uphold or modify the previous decision, or grant a rehearing in light of issues raised by the request. The decision of the Executive Vice President and Chief of Staff is final.

SECTION 3. – DISCIPLINARY RECORDS

A. Administrative Holds

The Dean of Students may place an administrative hold on a student's academic and other institutional records should the student refuse to respond to, or comply with, the procedures or sanctions imposed in accordance with these procedures.

B. Student Disciplinary Records

1. In accordance with the University's *Student Disciplinary Records* policy, student disciplinary records involving suspension, expulsion or degree revocation shall be retained permanently.
2. All other student disciplinary records shall be retained for a minimum period of seven (7) years from the date the last sanction was imposed.

C. Transcript Notations

Notice of any degree revocation will appear on the student's transcript. If the University previously communicated the award of a degree, certificate or other academic recognition to a third-party, the University may provide notice to that entity of the revocation.