

Conduct Board Hearings, Appeals, and Interim Actions Guide

We understand that attending a conduct hearing can be stressful for many students. As part of the educational focus of our conduct process, we want students to come fully prepared and understand what to expect. In addition to information provided in the Student Code of Conduct ISUPP #5000, this guide clarifies what Conduct Board Hearings, the Appeals Process, and Interim Actions can entail. Meetings, processes, and tasks that have specific timelines attached to them are *italicized and underlined* in the sections below in order to call attention to these important dates.

I. Informal Conduct Hearing Procedures

Informal Conduct Hearings are a simplified way of resolving conduct issues. The Conduct Officer to whom the case is assigned will determine if this process is appropriate for the situation and student(s) involved. In general, this includes lower level, first-time violations, where only one student is involved. The Student Code of Conduct, ISUPP #5000, Section VI. Student Conduct Hearing Process and Procedures, E.1., fully outlines the process for these hearings.

II. Conduct Board Hearing Procedures

Student Conduct Board hearings are private. Only the Complainant, the Respondent, their advisors, witnesses, members of the Student Conduct Board, and Conduct Officers may attend. At the discretion of the Conduct Administrator, *and with an advance request of (3) business days or more prior to the hearing*, other persons *may* be admitted. Hearings are recorded. The recording is the sole property of the University and maintained according to applicable laws and policies.

Preparing for the Conduct Board Hearing

1. The Complainant and Respondent may be accompanied by an advisor of their choosing. The advisor may not be a witness. *Students must provide the name of their advisor to the Conduct Administrator no fewer than three (3) business days prior to the hearing.* The advisor does not speak directly to any member of the board, witnesses or other parties. The advisor may confer with the Student they have accompanied. The Complainant and Respondent are responsible for presenting their own information. A Student should select an advisor whose schedule permits attendance. No delays will be granted due to an advisor's scheduling conflicts. If requested, the Conduct Administrator can recommend an advisor.
2. The hearing can be held even if the Complainant and/or Respondent does not attend, provided the Student Conduct Board can confirm there was a good faith effort to notify the Complainant and the Respondent in writing about the hearing. A Complainant or Respondent may not appeal a Conduct Board decision based on their absence at the hearing unless unusual, exigent circumstances beyond their control, prevented attendance as determined by the Conduct Administrator, whose decision is final.
3. The Complainant and the Respondent may request that a Student Conduct Board member be excluded from participating in a hearing based on an inability to serve impartially, with compelling documentation. Final decisions will be made by the Conduct Administrator, whose decision is final.
4. The Complainant and Respondent may call and question witnesses. *The names of witnesses who will be called to testify at the hearing must be provided to the Conduct Administrator no fewer than three (3) business days prior to the hearing, and will be shared with the other party.* The University cannot compel witnesses to appear. Character witnesses do not contribute to fact finding or

determining responsibility. Rather, the Student Conduct Board's focus is on witnesses who may have information about the incident(s) in question.

5. The Student Conduct Board may accommodate credible concerns for the personal safety, wellbeing, and/or fears of confrontation of the Complainant, Respondent, and/or witnesses during the hearing by providing accommodations not limited to separate facilities, using a visual screen, and/or by permitting participation by telephone or video conferencing. Implementing such measures is done at the sole judgment of the Conduct Administrator. Any party wanting such consideration must make the request to the Conduct Administrator no fewer than three (3) business days prior to the hearing. Their decision is final.

During the Conduct Board Hearing

1. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are *not* used in Student Conduct Board proceedings. All procedural questions and/or exceptions are subject to the final decision of the Student Conduct Board Chair.
2. The Student Conduct Board Chair will facilitate all aspects of the hearing and will guide participants through the process.
3. Both the Complainant and Respondent will be invited by the Chair to give opening statements. Then the Complainant presents their case, followed by the Respondent.
4. The Complainant and Respondent may present evidence of their choosing at the hearing. *Whether the evidence is relevant or accepted* as information for consideration by the Student Conduct Board is at the sole discretion of the Student Conduct Board Chair.
5. The Complainant and the Respondent will have the opportunity to question witnesses *through* the Student Conduct Board Chair. All questions asked of witnesses must be directed to the Student Conduct Board Chair for their determination as to if the question is relevant and will officially be asked.
6. Lastly, the Complainant is invited to give a closing statement followed by the Respondent.

After the Conduct Board Hearing

1. The Student Conduct Board will go into closed session following the hearing with only Student Conduct Board members present. Deliberations are not recorded. The Student Conduct Board's decision shall be based on a preponderance of the evidence, whether "it is more likely than not," that the Respondent is responsible for the alleged Code violation(s). The Student Conduct Board's decision may be given with or without comments.
2. If the Respondent or Complainant chooses not to attend the hearing, the hearing can be held without their presence. However, no assumptions shall be made about the Respondent's responsibility due to their absence.
3. The Complainant and Respondent *may* be verbally notified by the Dean of Students Office of the outcome of the hearing *within forty-eight (48) hours after the Student Conduct Board has reached a decision. Written notification will be sent within five (5) business days to student's Idaho State University email address.*
4. Notification will include final decisions of "not responsible" or "responsible". Findings of responsibility will include sanction(s) as described in VI., section F of the Student Code of Conduct, ISUPP #5000 and any relevant deadlines or timeframes associated with the sanction(s).

III. Appeal Process

University Process

Students who wish to appeal the outcome of their Conduct hearing must submit the request in writing to the Vice President for Student Affairs within five (5) business days of the decision being sent via email from the Dean of Students Office. Appeals must be in writing and delivered physically or electronically to the Office of the Vice President for Student Affairs. The Vice President of Student Affairs, or their designee(s), will review the written appeal and determine if a meeting with the Student is necessary. This process applies to both Informal Conduct Hearings as well as Student Conduct Board Hearings.

Appeals must clearly state why and how the situation meets one of the following standards in order to be considered:

1. The policies and processes in the Code of Conduct were not followed, resulting in significant prejudice in the results.
2. The decision reached by the hearing board or officer was made on substantial misinformation, or substantiated bias.
3. New information that was not available at the time of the Conduct hearing, and is relevant to the final decision rendered, has emerged.

If the appeal officer grants the appeal based on any of the above grounds, the following will occur:

1. If there was significant prejudice resulting from the procedural irregularities, the case will be given a new Conduct hearing.
2. If there was insufficient information for a finding of responsibility or non-responsibility, the appeal officer may either reverse the decision or require a new Conduct hearing.
3. If there is new information sufficient to alter a decision or other relevant facts not known to the Student appealing at the time of their hearing, the case will be given a new Conduct hearing.

Normally sanctions issued following a Conduct hearing will not be implemented until all appeals have been exhausted, waived, or made impermissible by time. However, exceptions may be made on a case-by-case basis and sanctions may be implemented immediately based upon potential threat or danger to the community, as determined by the hearing board or officer. The Student will be notified in writing through their Idaho State University email address of the appeal decision within five (5) business days following the conclusion of the appeal process.

State Board of Education (SBOE) Process

The State Board of Education (SBOE), as the governing body of the state's postsecondary educational institutions, has established the following procedure for review of institutional decisions regarding Student complaints/grievances:

1. Student grievances must exhaust institution's dispute resolution process. All complaints regarding student grades or conduct violations are governed by the institution and the laws of the institution's home state. The SBOE will not review complaints/grievances that have not been reported to the institution, or processed in accordance with the institution's complaint/grievance resolution procedures.
2. If a student is not satisfied with the outcome of the institutional process, or if the issue is not resolved at the institutional level, the student may appeal to the Office of the State Board of Education.

3. Matters involving a violation of an institution's code of Student Conduct will only be reviewed if the basis for the request is that the institution substantially failed to follow its procedures resulting in a failure to give the Student reasonable notice of the violation and opportunity to be heard, or to present testimony. Sanctions imposed by the institution will remain in effect during the pendency of the review.
4. Students who wish to appeal a SARA institution's decision, must submit a formal student [complaint form](#), and submit all appeals documentation to the Office of the State Board of Education at the address provided on complaint form and must contain a clear and concise statement of the reason(s) for requesting a SBOE review. *Such requests must be received in the SBOE office no later than thirty (30) calendar days after the Student receives the institution's final decision on the matter.* The Student has the burden of establishing that the final decision made by the institution on the grievance/complaint was made in error. A request for review must include a copy of the original grievance and all proposed resolutions and recommended decisions issued by the institution, as well as all other documentation necessary to demonstrate that the Student has strictly followed the complaint/grievance resolution procedures of the institution. The institution may be asked to provide information to the SBOE office related to the Student complaint/grievance.
5. A review of a Student complaint/grievance will occur as expeditiously as possible.
6. The SBOE office may request that the Student and/or institution provide additional information in connection with such review. In such an event, the Student and/or institution must provide such additional information promptly.
7. The SBOE's designee will issue a written decision as to whether the institution's decision regarding the Student's complaint/grievance was proper or was made in error. The institution's decision may be upheld, overturned, or may be remanded back to the institution with instructions for additional review. The SBOE's action/decision is final.

IX. Immediate Action/Response (Interim Actions)

The Conduct Administrator, or their designee, may take immediate action ("interim action") when necessary to secure the health and/or safety of a Member of the University Community and/or to address an alleged violation of the Student Code of Conduct prior to the initiation of Conduct Proceedings. All interim actions are temporary, until a final University decision is rendered. Interim actions may be imposed:

1. To ensure the safety and well-being of Members of the University Community or preservation of University property.
2. If the Student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

Interim actions may include, but are not limited to: loss of privileges, such as restrictions from or to a specific area of the University's premises (including University Housing), removal from a classroom(s), a hold on registration and student records, suspension or revocation of University issued card and/or access, class or Housing adjustments, University Suspension, and any other remedy warranted. Interim actions do not replace Student Conduct Proceedings, which shall proceed on the normal schedule.

The Student will be notified via email of the interim action and their required next steps which includes a meeting with the Conduct Administrator, or their designee, to discuss the circumstances of their situation. This meeting will include discussion about keeping the interim action in place or removal of any restrictions and any conditions associated with the decision. *This meeting should occur within five (5) business days of the notification of interim action being sent to the Student.*