

Procedure P6-400A: Procedures for Addressing Violations of Student Behavior Standards

Revision 1. Effective date: August 7, 2024

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I. Purpose and Scope

A. Purpose.

This procedure implements Policy 6-400 by establishing detailed requirements related to the process for addressing violations of the standards of student behavior, including time frames, notification requirements, Student Behavior Committee hearing processes, and coordination between the Office of the Dean of Students and the Office of Housing and Residential Education.

B. Scope.

This procedure applies to all University of Utah Students and Behavior Standards Violations described in Policy 6-400. Processes for addressing academic misconduct and professional misconduct are described in Policy 6-410.

II. Definitions

The definitions in Policy 6-400 apply for this procedure.

III. Procedure

A. Reporting Violations of the Behavior Standards and Initial Review

1. An individual may submit a Report and should report through the [online reporting form](#).
2. The director of student support and accountability, who is the dean of students' designee, shall conduct an initial review of the Report to determine:
 - a. whether the Report alleges a Violation of the Standards of Behavior; and
 - b. whether the behavior should be addressed and Sanctions decided by the Office of the Dean of Students or by the Office of Housing and Residential Education.
3. The dean of students may assign a Report to the Office of Housing and Residential Education if:
 - a. the alleged behavior occurred at University housing and will not result in a Sanction of a suspension or dismissal from the University or revocation of a degree or certificate; or
 - b. the alleged behavior is a violation of the community housing standards only, and not a Violation of other Behavior Standards.
4. After the initial review, the Student Accountability Officer is the primary staff member assigned to move the case through the adjudication process.
5. While some Reports are addressed by the Office of the Dean of Students and others through the Office for Housing and Residential Education, both offices shall follow the process described in Policy 6-400 and this procedure when addressing Behavior Standard Violations.

B. Temporary Administrative Suspensions – Additional Information

1. If the vice president for student affairs imposes a temporary administrative suspension described in Policy 6-400 Section III.F.11, the vice president of student affairs shall provide Notice to the Respondent in writing of the temporary administrative suspension, including a description of the

allegations, relevant facts and supporting evidence and the terms of the administrative suspension.

2. A temporary administrative suspension is in effect until the completion of the related proceedings or until the vice president for student affairs lifts the temporary administrative suspension.

C. Notification and Procedures Related to Notification and Initial Meeting (Policy 6-400 Section III. I).

1. Within five Business Days of the dean of students or director of housing and residential education receiving a Report, the Student Accountability Officer shall provide Notification to the Respondent of the Report in writing. The Notification shall include:
 - a. a description of the Report, including how the alleged action is a Violation of the Standards of Behavior;
 - b. a description of the processes through which the case may be addressed, including, based on the nature of the allegation, whether informal resolution may be appropriate;
 - c. information about the right to an advisor; and
 - d. a hyperlink to Policy 6-400 and this procedure.
2. The Student Accountability Officer shall conduct an initial review of the Report and evidence in the case. This review may include:
 - a. a review of documentary or other evidence; and
 - b. interviews with the person who submitted the Report and witnesses.
3. The Student Accountability Officer shall provide the Respondent an opportunity to meet to discuss the allegations in the Report within five Business Days of issuing the Notification.

- a. If the Respondent requests to have an advisor present, the Student Accountability Officer shall delay the meeting by up to one week if the Respondent needs time to secure an advisor.
4. The meeting is an opportunity for the Respondent to respond to the allegation and for the Student Accountability Officer to explain the next steps for resolving the issue, including whether informal resolution is appropriate for resolving the allegation in the Report and whether the case will be decided through a Hearing.
5. If the case meets the criteria for informal resolution, the Student Accountability Officer shall explain to the Respondent the difference between an informal resolution resulting in an Informal Resolution Agreement and a formal resolution resulting in a Sanction, including:
 - a. that a Sanction is included on the Respondent's Disciplinary Record and an Informal Resolution Agreement is not;
 - b. that a Respondent who does not comply with an Informal Resolution Agreement may be referred to the formal resolution process and then subject to a Sanction; and
 - c. that a Respondent may appeal a Sanction to the Student Behavior Committee but may not appeal an Informal Resolution Agreement.

D. Procedures Related to Informal Resolution (Policy 6-400 Section III. J)

1. If the case meets all criteria for informal resolution, the Student Accountability Officer and the Respondent shall work toward an Informal Resolution Agreement. The Student Accountability Officer and the Respondent may come to the Informal Resolution Agreement in the initial meeting or may continue working together after the initial meeting to come to an Informal Resolution Agreement.

- a. If the matter is resolved through informal resolution, the Student Accountability Officer shall provide the Respondent with written Notification that shall include:
 - i. an Informal Resolution Agreement signed by the Parties;
 - ii. a statement that the Informal Resolution Agreement will not appear on the Respondent's Disciplinary Record; and
 - iii. a notification that if the Respondent does not comply with the terms of the Informal Resolution Agreement the Respondent shall be referred to the formal resolution process and may receive a Sanction.
 - b. If the case does not meet the criteria for informal resolution, or the Parties cannot agree on an informal resolution, the matter shall proceed to a formal resolution.
- E. Procedures Related to Formal Resolution without a Hearing (Policy 6-400 Section III.K)
- 1. Within five Business Days of a meeting with the Respondent that results in formal resolution, the Student Accountability Officer shall report the decision, including a Sanction to the director of student support and accountability.
 - a. A Student Accountability Officer who reports to the director of housing and residential education shall report the Student Accountability Officer's decision to the both the director of housing and residential education and the director of student support and accountability.
 - b. The director of student support and accountability shall approve the Student Accountability Officer's decision or work with the Student Accountability Officer to revise the ultimate decision.
 - c. Within ten (10) Business Days of the meeting between a Respondent and a Student Accountability Officer, the Student Accountability Officer, on behalf of the dean of students or the director of the office of housing and residential education, shall provide Notice to the Respondent of the case outcome. The Notice shall include:

- i. the Sanction imposed;
- ii. a note that the Sanction will be included on the Student's Disciplinary Record; and
- iii. instructions for how to appeal the Sanction, including the allowable bases for appeal, how to submit an appeal, and required timeframes.

F. Procedure Related to Hearings for Allegations that may Result in Sanctions of Suspension or Dismissal from the University or Revocation of a Degree or Certificate (Policy 6-400 Section III.L)

1. If the alleged Behavior Standards Violation may result in a Sanction of a suspension or dismissal, either following the initial meeting or prior to the initial meeting, the Student Accountability Officer shall provide Notification to the Respondent that includes:
 - a. a request to schedule a Hearing;
 - b. information about the Respondent's right to an advisor, who may be an attorney;
 - c. the Respondent's right to a Hearing to contest the allegation;
 - d. the Respondent's right to a presumption of innocence that remains until either the Respondent acknowledges responsibility for the alleged Violation or the University has established every element of the alleged violation, through the Preponderance of Evidence, at a Hearing; and
 - e. notification that the Student Accountability Officer is both the investigator and responsible for presenting evidence in a Hearing and recommending a Sanction for the alleged Violation.
2. The Student Accountability Officer shall provide notice to an individual whose rights were allegedly infringed or who is otherwise allegedly harmed by a Respondent's Behavior Standards Violation (for definitional purposes the Victim):

- a. of the individual's right to participate or choose not to participate in the accountability process; and
 - b. of the individual's right to be accompanied by an advisor in the process.
3. Notifications shall be made as soon as practicable and at least seven days before a Hearing unless exigent circumstances reasonably justify proceeding without providing notice.
4. The Student Accountability Officer shall ensure that the Parties have access to all material evidence that is in the University's possession at least seven days before the Hearing, including both inculpatory and exculpatory evidence, unless the material is subject to legal privilege.
5. A Party may raise objections to issues that could potentially compromise the impartiality of a Hearing, including any potential conflicts of interest.
6. The Student Accountability Officer shall provide an opening statement at a Hearing describing the alleged Behavior Standards Violation and the recommended Sanction and the Respondent shall provide an opening statement. If a Victim has elected to participate in the hearing process, the Victim may also provide an opening statement.
7. The Parties have a right to be accompanied by any person as advisor, including legal counsel, at the Party's expense, who may participate in the Hearing subject to the following requirements:
 - a. An advisor may make opening or closing statements, ask questions of the Party the advisor accompanies, submit questions to the decision-maker to ask another party, introduce relevant evidence, and provide support, guidance, or advice to a Party.
 - b. Each Party must choose whether the Party will present their case or their advisor will present their case. A Party and the Party's advisor may not both present the Party's case.

- c. Parties are encouraged to present their own cases or, at a minimum, provide an opening statement.
 - d. A Party, and not the Party's advisor, shall respond to a question from another Party or the decision-maker.
- 8. A Hearing is closed to the public.
- 9. A Hearing shall be recorded and a copy made available to any Party upon request.
- 10. A Party may not ask questions of another Party or witness directly, but may submit questions to the decision-maker, who shall ask the other Party or witness all questions that are relevant and appropriate.
- 11. The Hearing is not bound by strict rules of legal evidence or procedure, and the decision-maker may consider any evidence they deem relevant.
 - a. Evidence that is a Respondent or other Party's personal medical record, mental health record, therapy note, or journal may not be used as evidence in a Hearing unless the Respondent or Victim consents to the use of the evidence.
 - b. Any evidence used in a Hearing is confidential and may not be used as evidence in a subsequent Hearing or used or disclosed to a third-party for any purpose other than for a Hearing.
- 12. A representative of the University's Office of General Counsel shall serve as a resource to the decision-maker and, at the request the decision-maker, may be present at the Hearing to provide guidance on University regulations, law, or procedural matters.
- 13. The decision-maker shall determine, based on the Preponderance of Evidence, whether the alleged Behavior Standards Violation occurred and, if so, a Sanction.

14. Within five Business Days of the Hearing, the Student Accountability Officer shall report the decision, including a Sanction to the director of student support and accountability.
15. A Student Accountability Officer who reports to the director of housing and residential education shall report the Student Accountability Officer's decision to the both the director of housing and residential education and the director of student support and accountability. Within five Business Days of the Hearing , the Student Accountability Officer, on behalf of the dean of students or the director of the office of housing and residential education, shall provide Notice to the Respondent of the case outcome, including:
 - a. the Sanction imposed;
 - b. a note that the Sanction will be included on the Student's Disciplinary Record and if the Sanction is suspension or dismissal from the University or revocation of a degree or certificate on the Student's transcript; and
 - c. instructions for how to appeal the Sanction, including the allowable bases for appeal, how to submit an appeal, and required timeframes.

G. Appeals Generally

1. A Respondent may appeal a Sanction to the Student Behavior Committee.
2. A Respondent shall submit an appeal within three Business Days of receiving a Notification of a Sanction. The Respondent shall submit the appeal in writing to the associate dean of students and include in the appeal a description of the basis on which the Respondent is appealing the determination.
3. The associate dean of students shall determine whether the appeal is timely and on an allowable basis and if so, begin the process for convening an Appeal Panel. The associate dean of student shall notify the Respondent of this determination within three Business days of receiving the appeal and

request the Respondent's input in scheduling a date and time for the Appeal Panel.

- a. If the associate dean of students determines that the appeal is not timely or on an allowable basis, the associate dean of students shall include in the notification the reason for this determination.

H. Student Behavior Committee and Appeal Panels

1. The Student Behavior Committee consists of the following 25 members:
 - a. eight members who are tenure-line or career-line faculty members appointed to staggered three-year terms by the University president upon nomination by the Personnel and Elections Committee of the Academic Senate;
 - b. eight members who are staff members appointed to staggered three-year terms by the University president upon nomination by the vice president for student affairs; and
 - c. nine members who are students, at least three of whom are graduate students, appointed to one-year terms by the vice president for student affairs after consultation with the president of the Associated Students of the University of Utah.
2. The associate dean of students, or other dean of students designee, shall serve as a committee coordinator for the Student Behavior Committee and as a non-voting chair of each Appeal Panel.
 - a. The committee coordinator shall strive to appoint an impartial Appeal Panel and shall use a neutral selection process, such as assigning members on a rotating or random basis, for each Appeal Panel.
 - b. The committee coordinator shall include at least one student in an Appeal Panel. If the Respondent is an undergraduate student, the committee coordinator shall include at least one undergraduate student on the Appeal Panel. If the responding student is a graduate student, the

committee coordinator shall include at least one graduate student on the Appeal Panel.

- c. If there is more than one meeting of the Appeal Panel for an appeal, or if meeting continues over multiple sessions, the same five members must be present for all sessions.
3. After conducting an initial review of the evidence in the case, the Appeal Panel members should determine whether to hold a meeting of just the Appeal Panel to determine the appeal outcome or whether to hold a meeting with the Respondent or the Respondent and other parties.
 4. The committee coordinator shall select a date and time for the Appeal Panel to meet.
 - a. The committee coordinator shall notify the parties in writing of:
 - i. the Appeal Panel meeting date;
 - ii. the names of the Appeal Panel members; and
 - iii. the procedures for the Appeal Panel meeting.
 - b. The committee coordinator shall provide the Notification at least five Business Days before an Appeal Panel meeting, except in the following circumstances:
 - i. The committee coordinator may schedule an Appeal Panel meeting less than five Business Days after the Notification with mutual agreement of the Parties.
 - ii. If circumstances necessitate a shorter timeframe, such as student-athlete eligibility considerations or graduation or transfer considerations, the committee coordinator may schedule an Appeal Panel Meeting less than five Business Days after the Notification.
 - c. Within two Business Days of the Notification or, if an Appeal Panel will be held less than five Business Days after the delivery of Notification, within

a time frame established by the committee coordinator, a Party may submit a written request to the committee coordinator to excuse any member of the Appeal Panel whom the Party believes has a conflict of interest. If the committee coordinator determines that an Appeal Panel member has a conflict of interest, the committee coordinator shall excuse the member, select an alternate member of the Student Behavior Committee to participate on the Appeal Panel, and notify the Parties.

5. The committee coordinator shall provide the Appeal Panel:
 - a. The initial Report, or another detailed formal description of the Behavior Standards Violation that resulted in the Sanction;
 - b. the Office of the Dean of Students' findings and Sanction; and
 - c. the written appeal from the Respondent.
- I. Student Behavior Committee Appeal Panel Procedures
 1. If the Appeal Panel decides to hold a meeting with the Respondent, the Respondent shall have the opportunity to explain the reason for the appeal and the remedy that the Respondent is seeking and may have their advisor fully participate in the meeting. In such cases, the Appeal Panel shall also extend an opportunity to meet with a Victim who has elected to participate in the adjudication.
 2. Appeal Panel Meetings shall be closed to the public.
 3. A meeting of an Appeal Panel, except for Appeal Panel deliberations and voting, shall be recorded and a copy made available to any Party upon request. Appeal Panel deliberations and voting shall take place in closed sessions.
 4. A representative of the University's Office of General Counsel shall serve as a resource to the Appeal Panel and, at the request of an Appeal Panel, may be present at the meeting to provide guidance on University regulations, law, or procedural matters.

5. An Appeal Panel shall make all decisions by majority vote.
6. Within three Business Days of an Appeal Panel meeting, the committee coordinator shall notify the Respondent of the outcome of the appeal.
 - a. If the Sanction is suspension or dismissal from the University or the revocation of a degree or certificate and the Appeal Panel upholds the Sanction, the Notification shall include instructions for appealing the Sanction to the vice president for student affairs.

J. Appeal to Vice President for Student Affairs

1. A Respondent may appeal an Appeal Panel decision related to a Sanction of suspension or dismissal from the University or revocation of a degree or certificate to the vice president for student affairs within two Business Days of receiving Notification of the Appeal Panel's decision.
 - a. The Respondent shall include in the appeal the reason for the appeal and the remedy sought.
2. The vice president for student affairs should consider all evidence in the case but does not conduct a new investigation.
 - a. The vice president for student affairs may interview the Parties.
3. The vice president for student affairs shall decide the appeal and provide Notification to the Respondent of the decision within three Business Days of the Respondent submitting the appeal.
4. The vice president for student affairs' determination is final.

K. Sanction of Suspension from the University

1. If the University imposes a Sanction of suspension, the dean of students shall notify the Respondent in writing of the suspension, conditions for reinstatement, and the Respondent's obligation to petition for reinstatement as well as the requirement to reapply for admission. The dean of students

shall also notify the student's department chair and the director of the Office of Admissions of the suspension.

2. An individual who seeks reinstatement shall submit a petition for reinstatement, including related documentation, to the Office of the Dean of Students and shall explain how the conditions for reinstatement have been met.
 - a. The Office of the Dean of Students shall notify the individual within 10 Business Days of receiving a complete petition of whether the office grants the petition. The office may grant a conditional reinstatement that is contingent upon the individual meeting written requirements in the original Sanction.
3. In addition to receiving approval for reinstatement, an individual who received a Sanction of suspension must also reapply and be accepted to the University in order to reenroll.

L. Dismissal from the University

1. Permanent records of dismissal shall be kept in the Office of the Dean of Students. The dean of students shall provide notice of dismissal to the Respondent's department chair.

M. Student Disciplinary Records

1. The Office of the Dean of Students shall maintain a record of a Behavior Standards Violation that results in a suspension or dismissal or revocation of a degree or certificate permanently and shall maintain all other records of Violations of the Behavior Standards for seven years from the date the alleged violation occurred.
2. In most cases, the University must receive prior written consent of a Student before providing information about a Student's Behavior Standards Violation, including when responding to a request from a licensing body or employer.

3. If another institution of higher education in which a Student seeks to enroll requests information about a Student's Disciplinary Record, the University may provide the information without the Student's consent.

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms, and other Related Resources

- A. Policies/ Rules.
 1. Policy 6-400
- B. Procedures, Guidelines, and Forms.
 1. Guideline G6-400A: Hazing Guideline
 2. Online reporting form
- C. Other Related Resources. [*reserved*]

V. References

- A. Utah Code Title 53B, Chapter 27, Part 6, Student Legal Representation
- B. Utah Administrative Rule R765-256: Student Disciplinary Processes

VI. Contacts

The designated contact officials for this Regulation are:

- A. Policy Owner(s) (primary contact person for questions and advice): Dean of Students
- B. Policy Officer(s): Vice President for Student Affairs

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History.

A. Current version.

1. Revision 1. Effective August 7, 2024

B. Previous Versions

1. Revision 0. Effective August 15, 2023