Procedural Rights for Students/Organizations
Revised July 2014

The following procedures are established for individual students and student organizations involved in conduct hearings:

A. Individual Students who, or student organizations that, are alleged to have violated University rules have the right to a hearing.
B. The respondent and the complainant have the right to be informed in writing of the charge(s), the complainant(s), the date(s) of the alleged violation(s), and the section(s) of the Code of Conduct that was alleged to have been violated, the range of sanctions that may be imposed, the date, time, place of the conduct hearing, and the right of appeal.
C. The respondent and the complainant have the right to review any written documents relevant to their case prior to a hearing.
D. The respondent and the complainant have the right to meet with the Coordinator of Student Conduct at a specified time and place for an informational pre-hearing meeting about the Student Conduct System.
E. The respondent and the complainant have the right to challenge any Hearing Officer, Conduct Board Member or University Appeals Board Member that they feel is unable to objectively hear the case. Any challenge must be presented in writing to the Office of Student Conduct at least three (3) University days prior to the hearing.
F. The respondent has the right to be presumed not responsible until proven responsible for violating a rule(s).
G. The respondent has the right to a decision based on the preponderance of the evidence. More precisely, there must be a preponderance of evidence to find a respondent responsible. When there is no preponderance of evidence or if the preponderance of evidence supports the respondent, the respondent is not responsible for the violation.
H. The respondent and the complainant have the right to testify and to present evidence and witnesses. A list of witnesses must be presented in writing to the Office of Student Conduct at least three (3) University days prior to the hearing.
I. At each stage of the conduct process, including pre-hearing meetings, hearings and any appeals that might be filed, the respondent and complainant have the right to be accompanied by a University Advisor. University Advisors must be members of the University community, excluding Trustees of OWU, Conduct Hearing Officers, Student Conduct Board members, University Appeals Board members or a parent/guardian of anyone involved in the case. Persons who serve as University Advisors may not be licensed attorneys or have received training to be attorneys.

   University Advisors provide support, guidance and advice. They do not represent or advocate on behalf of those they advise. They are not allowed to speak during formal hearings and appeals. However, they may provide advice and guidance. The complainant and respondent may request brief recesses to confer with the individual advising them. Recesses must be approved by the Hearing Officer, chairperson of the Student Conduct Board or chairperson of the University Appeals Board, and must be short and limited in number, as determined by the Hearing Officer or chairperson of the Conduct Board or Appeals Board. University Advisors may speak during pre-hearing meetings at the discretion of the University official who is conducting them.

University Advisors may not appear at a hearing to observe, present arguments on behalf of a student, or for any other reason, if the student for whom they are serving does not also appear at the hearing.

J. For Higher Tier cases, the respondent and complainant have the right not to appear at a scheduled hearing. The hearing will proceed as scheduled if they exercise the right. If the respondent does not appear at the hearing it will not be presumed that he/she/it violated the rule(s) for which he/she/it is accused. If the complainant does not appear it will not be presumed that the violation(s) did not occur. Note that for Higher Tier cases the respondent must meet with the Coordinator of Student Conduct for a pre-hearing meeting. For Lower Tier cases, respondents must attend their hearing with a Hearing Officer.

K. The respondent and the complainant have the right to refuse to answer questions.

L. The respondent has the right to request an appeal of an unfavorable decision. The complainant has the right to appeal an unfavorable decision when he or she is not a University official acting in his/her official capacity to enforce University rules and regulations. The complainant may not appeal when he or she is such an official.

M. The respondent and the complainant have the right to request that the Coordinator of Student Conduct reschedule a hearing. Requests must be made in writing at least 48 hours before the scheduled hearing. The Coordinator will determine whether to grant the request.