



The University of Akron

Overview of Student Judicial Affairs

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Presented by

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The
University
of Akron

Overview of Student Judicial Affairs

- Student Affairs
- Student Development Theory
The Student Learning Imperative
- Student Affairs scholars and practitioners

– **Duties and Responsibilities of Student Affairs Professionals**

- work directly with students to enhance and assess learning outside the classroom
- oversee programs, services and activities (student run)
- plan new construction, manage facilities and budgets
- participate in policy decisions influencing the life of students and the institution
- deal with campus crises

Student Affairs at The University of Akron

Vice President for Student Affairs

Associate VP and Dean of Student Life

- Student Life – **STUDENT JUDICIAL AFFAIRS**
- Accessibility (Office of)
- Center for Career Management
- Counseling, Testing and Career Center
- Residence Life and Housing

Associate VP for Enrollment Services

- Admissions (Office of)
- Registrar (Office of the University)
- Student Financial Aid (Office of)

Associate VP for Campus Life

- Academic Achievement Programs
- Health Services
- International Programs (Office of)
- Student Recreation and Wellness Services

Commencement Committee and University Marshall

Contributing to Student Learning through the Judicial Process

The field of Student Judicial Affairs

Professional Organizations for Student Affairs and Judicial Affairs

- NASPA
 - National Association of Student Personnel Administrators
- ACPA
 - Association of College Personnel Administrators
- ASJA
 - Association of Student Judicial Affairs

Student Rights and Responsibilities and Codes of Conduct

- What is a Student Code of Conduct? It is the way a college or university defines its behavioral standards for students
- Provide framework by which members of a college or university community may address alleged violations
- Student Judicial Systems are responsible for providing a fair process, and education for both parties.
 - Protect student rights
 - Facilitate the process for accountability of behaviors
- Provide opportunities for students to become involved in the system by serving as members of the Hearing Board.

- Faculty and staff members have opportunities for professional development by becoming Hearing Officers or Hearing Board Members.
- Student Judicial Administrator(s) facilitates the process and initiate meetings with students.
- Hearing Board members make determinations if an accused student is or is not responsible for alleged violations of the Code of Conduct.
- If the student is found responsible, the Hearing Board and/or the Judicial Administrators are also responsible for making recommendations for sanctions

College and University Judicial Systems vs. State and Federal Courts

- Colleges and universities put forth codes of conduct to dictate acceptable campus behavior, and also require adherence to state and federal laws
- State and federal courts enforce state and federal laws
- It has long been held by the courts that “[S]chool regulations are not to be measured by the standards which prevail for criminal law and for criminal procedure” Judge Harry A. Blackmun, U.S. Court of Appeals for the 8th Circuit (Stoner)
- College student discipline systems cannot impose criminal sanctions

College and University Judicial Systems vs. State and Federal Courts

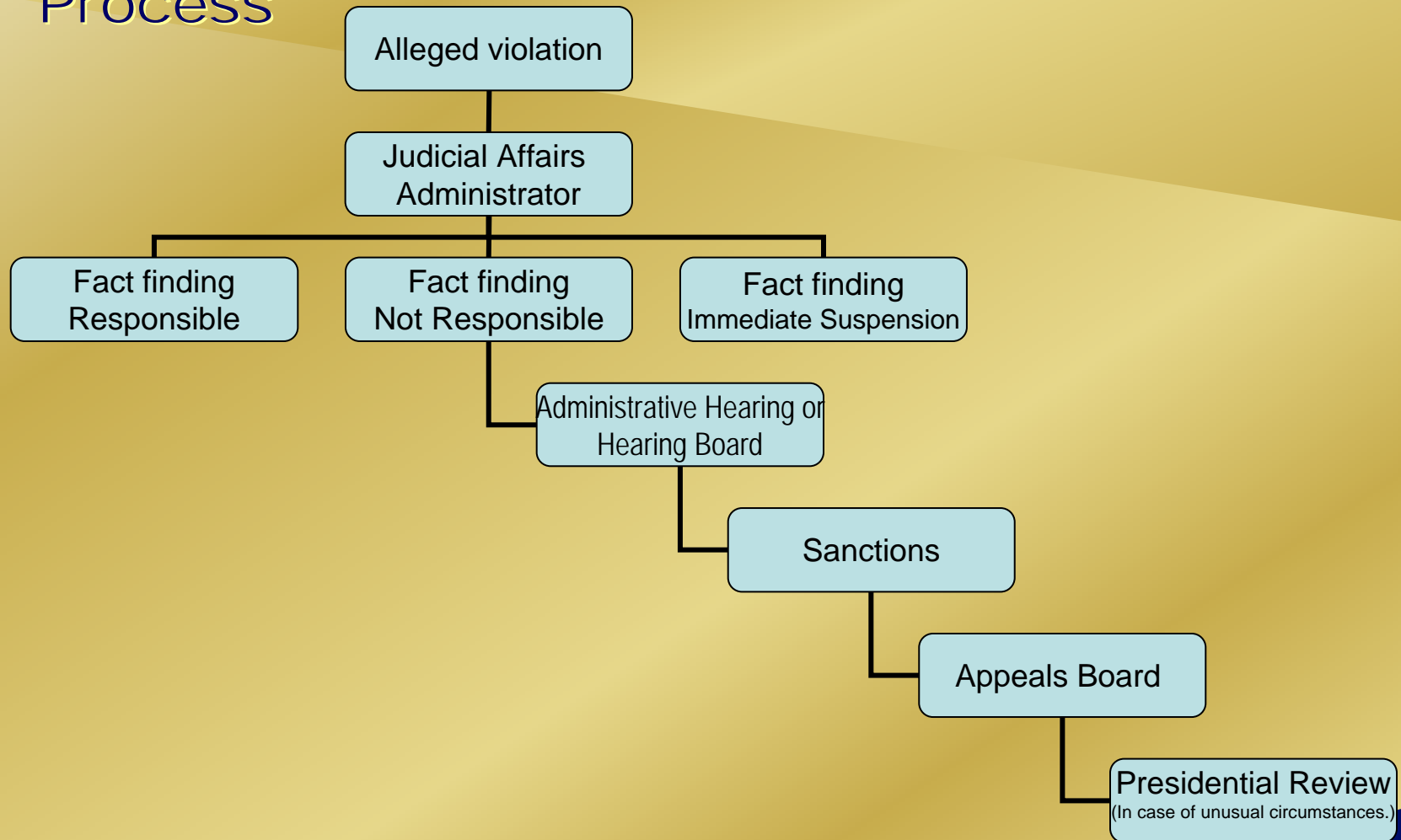
- The most severe sanction a college can impose is expulsion of a student.
- Standard of Evidence
 - College and university = more likely than not
 - Courts = clear and convincing/beyond a reasonable doubt

- **Double Jeopardy** - Being tried twice for the same offense
 - Campus – charged with violation of Code of Conduct (which includes state and federal laws)
 - Courts – charged with violation of state or federal law
- **Terminology**
 - “guilty” or “not guilty” vs. “responsible” or “not responsible”
 - “board members” vs. “jury”
 - “information” vs. “evidence”

The Student Judicial System at The University of Akron

- Student Code of Conduct/Student Rights and Responsibilities
- The Process
 - Jurisdiction
 - Who can allege violations?
 - Who decides what happened?
 - Who decides the sanction?

Flow Chart for Student Judicial Affairs Process



Process for Student Judicial Affairs

1. WHAT IS THE JURISDICTION OF CAMPUS CODE OF CONDUCT?

- On campus and off campus behavior deemed inappropriate for a member of the campus community
- Mutual aid agreements with surrounding areas

2. WHO MAY FILE A COMPLAINT ALLEGING STUDENT MISCONDUCT?

- Student
- Faculty, administration or staff
- The University of Akron Police

3. ONCE THE COMPLAINT IS RECEIVED, WHAT HAPPENS NEXT?

- Gather available information and determine seriousness of allegation
- Make determination
 - Immediate interim suspension (called Presidential suspension)
 - Informal hearing/mediation
 - Hearing board process
- Assistant Director for Student Judicial Affairs (Assistant Dean for Student Life currently) assigns case to judicial administrator on staff

4. WHO ARE JUDICIAL ADMINISTRATORS?

- Designees of Associate VP and Dean of Student Life
- Contract professionals and/or graduate students

5. WHAT ARE THE RESPONSIBILITIES OF THE JUDICIAL ADMINISTRATOR?

- Send letter to student regarding allegation and set a time to meet with student
- Fact finding
- Advise student of rights and responsibilities
- Explanation of information regarding Student Judicial Affairs process and procedures
- Provide student same information in writing

6. WHAT IF THE STUDENT DENIES THE ALLEGATION?

- Additional fact finding occurs (more than 1 meeting may be required)
- Mediation offered when appropriate
- Referred to a Hearing Board

7. WHAT HAPPENS IF THE STUDENT ADMITS HE/SHE IS RESPONSIBLE?

- Sanction is imposed – Student and judicial officer sign agreement form
- If disagreement regarding sanction, referred to a Hearing Board

Hearing Board Procedures

Hearing Board Agenda

- A. Election of Presiding Member of Board
- B. Introduction of Hearing Board members/Introduction of all individuals present

**The recording device is activated and becomes the responsibility of the Hearing Board.*

- C. Request to the Student:

Do you want an **open** or **closed** hearing?

(Anyone can attend vs. only student, accuser)

Do you challenge any of the Hearing Board Members?

D. Violations

- Reading of alleged violations by Presiding Member of Board
- Student (referred to as Respondent) replies to alleged violation(s)

(“Responsible” or “Not Responsible”?)

If “**responsible**”, ask student if he/she understands what an admission of “responsible” signifies, explain, proceed with case.

If “**not responsible**”, proceed with case.

F. Opening remarks by University Representative selected from Student Judicial Affairs staff.

G. Opening remarks by the Respondent

- H. Presentation of information by University Representative
 - May call witnesses
 - Questions by Respondent
 - Questions by Hearing Board Members
- I. Presentation of Information by Respondent
 - May call witnesses
 - Questions by University Representative
 - Questions by Hearing Board Members
- J. Closing remarks by University Representative
- K. Closing remarks by Respondent
- L. Closed deliberation procedure
 - Deliberation by Hearing Board

- M. University Hearing Board Members complete a “Summary of the Hearing Board Proceeding” form
 - Responsible – sanctions imposed
 - Not Responsible – case dismissed
- N. Findings referred to Associate VP and Dean of Student Life who notifies student of outcome and appeal procedure
- O. Accused student appeals decision/sanction
- P. Appeals Board – Reviews, upholds/reverses decision or modifies sanction
 - Appeals Board sends findings to Associate VP and Dean of Student Life who notifies student of outcome
- Q. Presidential Review – unusual circumstances may call for a Presidential Review
 - Can occur after Hearing Board or after Appeals Board by request of the Vice President for Student Affairs

Source:

American College Personnel Association (ACPA). (February 14, 2006).
The student learning imperative: Implications for student affairs. Retrieved
April 26, 2006 from <http://www.acpa.nche.edu/sli/sli.htm>