

Section XI: Procedures for Conducting a Disciplinary Hearing

1. Closed Hearings

All hearings are closed, except to those persons directly involved (board members, Complainant(s), the Accused Student(s), and witnesses), unless the board determines otherwise.

2. Witnesses

In those situations when a Howard University Police Department Officer(s) may have taken a report and/or investigated an incident relevant to the proceeding, ODSSS, the Complainant or the Accused Student may request that the Officer attend and/or participate in a hearing as a witness. Such attendance or participation will be permitted if it is determined by the Board or Hearing Officer that the HUPD Officer's presence will facilitate the finding of facts. The Complainant or the Accused Student should contact University Police directly to make such a request and, at the same time, notify ODSSS of the request.

Only those persons with direct knowledge of the incident shall be allowed to appear as witnesses. No character witnesses are allowed.

3. Postponement

A one-time request for postponement by either the Accused Student or the Complainant(s) may be considered by ODSSS, and granted only when ODSSS determines that there is a compelling reason for the delay. ODSSS will set a new date for the hearing and notify all parties involved. Further requests for postponement do not have to be considered and a hearing may be held in the absence of either party.

4. Quorum Requirement

Five (5) members of appointed board members shall constitute a quorum necessary to conduct business, including receiving evidence and rendering a decision. Only members present may vote.

5. Role of the Chair

The Chair of a disciplinary board has the responsibility of conducting the hearing in a fair and equitable manner, and of taking such action as necessary to sanction or mitigate disruptive or inappropriate behavior.

6. Burden of Proof

The Complainant carries the burden of proof to establish the guilt of the Accused Student. The Accused Student should be prepared to respond to charges against him/her with witnesses and/or documents, as appropriate.

7. Steps in the Hearing

Each hearing shall follow a standardized format. Copies of the Procedures for Conducting a Disciplinary Hearing may be secured from ODSSS.

8. Deliberation, Decision Making, and Reporting Results to ODSSS

Deliberations shall be conducted only with board members, University counsel, and ODSSS staff present.

Boards shall consider only such information as may constitute the record. Determinations as to responsibility for violations of the Code and recommended sanctions shall be made by a simple majority vote of the Board, except that recommended sanctions of suspension and expulsion require a two-thirds vote.

The Chair of the board shall prepare a written report of the hearing finding(s), including the basis(es) for the finding(s) and shall submit it to ODSSS within ten (10) days of the hearing. When there is a finding that the Accused Student is "Responsible" for violating the Code, there shall be recommendations for sanctions. The Chair signs the report on behalf of the board. ODSSS will provide notification to the Accused Student and Complainant of the board's determination.

Sensitive information considered by the Dean of Special Student Services or his/her designee to determine sanctions shall be deemed confidential and will not be shared with students, except that upon written request from any alleged victim of a crime of violence or no forcible sex act, the result of the University's disciplinary proceedings against the accused student will be disclosed.