



# PA State System of Higher Education Board of Governors

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**Effective:** October 16, 1984

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## **Policy 1984-13-A: Student Disciplinary Due Process Requirements**

**See Also:**

**Adopted:** October 16, 1984

**Amended:** April 20, 1989

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**NOTE:** The requirements are also published in the Pennsylvania Code, Title 22, Part XVII, Chapter 505.

### **A. Rules and Procedures**

Each university president, with trustee approval, shall create rules of student conduct and judicial procedures, consistent with these regulations, which shall provide substantive rules defining with reasonable specificity disciplinary offenses; penalties or sanctions; and procedural guidelines to adjudicate rules violations.

### **B. Publication**

The university's rules shall be published and disseminated to all students in student handbooks or other institutional publications.

### **C. Procedural Guarantees**

The university's rules of procedure for student disciplinary hearings shall provide students with the following procedural guarantees:

1. Reasonable specific advanced written notice of charges containing a description of the alleged acts of misconduct, including time, date, and place of occurrence; and the rules of conduct allegedly violated by the student.
2. Reasonably advanced written notice of the date, time, and place of the hearing, unless such right is waived in writing by the student.
3. A reasonably sufficient interval between the date of service of charges and the date of the hearing, to allow the student to prepare a defense.

4. An opportunity for submission of written, physical, and testimonial evidence, and for reasonable questioning of witnesses by both parties.
5. An impartial hearing, which may consist of a committee, board, panel, or individual appointed by the university.
6. Maintenance of a written summary or audiotape record of the hearing at university expense, though students may be required to pay the cost of copies of requested records.
7. A decision based upon presented evidence sufficient to make a reasonable person believe that a fact sought to be proved is more likely true than not.
8. A written adjudication in which the facts and reasons for the decision are set forth with reasonable specificity shall be issued within 30 working days after the close of the proceedings.
9. A student may identify an adviser, who may be an attorney, to be present at hearings. The adviser may only consult and interact privately with the student, unless otherwise determined by the university regarding a particular case.

**D. Conduct of Hearings**

1. The conduct of hearings shall be committed to the university, which may make all rules reasonable and necessary for the orderly and efficient disposition of cases.
2. The conduct of hearings shall ensure that the accused student has had a fair and reasonable opportunity to answer, explain, and defend against the charges.
3. The university shall have the burden of proof in all cases.

**E. Use of Evidence**

Hearings shall not be bound by formal rules of evidence; however, all evidence must be inherently reliable.

1. Hearsay shall not be used as the sole evidence to establish any fact necessary to establish guilt or innocence in a case.
2. A student's previous disciplinary record shall not be used to establish guilt in a current case; however, the hearing may include a student's previous disciplinary record in the event the student is found guilty of violating the rules of conduct, to determine the appropriate disciplinary penalty or sanctions imposed.

**F. Informal Hearings**

Cases not involving the sanctions of expulsion or suspension may be heard informally, as specified by university procedures, with notice and the opportunity to be heard afforded students.

**G. Waivers**

A student, through a written statement, may waive his/her right to a hearing.

**H. Appeals**

The allowance of appeals shall be discretionary with the president of the university or a designee.

**I. Interim Suspensions**

The president or a designee may suspend students from the university, including their privilege to enter any university property or facility pending the final disposition of their case if it is determined that their continued presence constitutes an immediate threat of harm to themselves, other students, university personnel, or to university property. In the event a student is suspended under such conditions, a hearing shall be convened within ten working days, unless extenuating circumstances warrant an extension, in which case a hearing would be provided at the earliest possible date.

**J. Maintenance of Status**

Unless an interim suspension is imposed as provided in these regulations, a student shall continue his/her matriculation with all normal privileges until the case is fully adjudicated through university procedures.

**K. Retention of Records**

The university shall retain records of cases involving expulsions or suspensions for a minimum period of two years. The university may retain hearing records for a longer period of time, in accordance with its policy.

**L. Enforcement**

A university may withhold transcripts, grades, diplomas, or other official records pending the disposition of cases, if such action is reasonably necessary to preserve the university's ability to enforce its disciplinary rules.