

## FREQUENTLY ASKED QUESTIONS FOR PARENTS

Although this guide is designed to assist parents who have students interacting with the University Student Conduct System, it is strongly recommended that you review the Student Code of Conduct for complete details of the process follow the link below.

[http://www.cgd.usg.edu/wbfgx](#) for students. The relationship you build with your Students are expected to make decisions on their own, to learn to resolve conflict independently, and to take responsibility for their actions. At the same time they covet your love, respect your opinion, and generally operate on the values you instilled in them. So what should you do when your student becomes involved in the campus conduct system?

1. When your student receives paperwork regarding conduct procedures and has questions, direct him or her to contact a staff member in the conduct office for information. Staff members are not permitted to give specifics to family members. This also empowers the student to learn how to solve his or her own issues and concerns.
- 2.

## **IF MY STUDENT IS CHARGED WITH A VIOLATION AND DOES NOT MEET WITH AN ADMINISTRATOR, BUT IS FOUND RESPONSIBLE ANYWAY, IS THIS NOT A VIOLATION OF DUE PROCESS?**

No. Universities have to give the student notice of charges and an opportunity to be heard. When students are charged with a violation, they receive an electronic email that states the alleged violations and gives them the opportunity to schedule a meeting. If they choose not, or fail to schedule a meeting per the notice, they have still been given due process and the subsequent sanction is still valid. It may be important to discuss with your student how abdicating their right to speak for themselves is not in their best interest as it does not allow for their side to be taken into account.

## **HOW IS THE CAMPUS PROCESS DIFFERENT FROM THE CRIMINAL SYSTEM?**

There are several differences between the systems.

- First and foremost, rules governing the handling of student conduct matters at institutions of higher education are different from criminal statutes. Criminal prosecutions take place only when violations of law are alleged. On campuses, there are many types of violations that may not be violations of the law but violate institutional community standards, such as academic dishonesty. There are other types of violations that mirror criminal statutes such as underage drinking. There are still others that may use similar terminology but are defined differently. Sexual assault and rape are good examples of these.
- A second major difference between the campus process and the criminal process is the standard of proof. On most campuses, there must be a preponderance of the evidence, enough evidence to tip the scales (i.e. 51% or "more likely than not"), before a student is found responsible for violating the student conduct code. In contrast, the standard in a criminal case is beyond a reasonable doubt, which is a 97%. Tuskegee University holds our process to the preponderance of evidence standard.
- Another difference is that the campus process is usually confidential whereas a criminal prosecution creates public records. Many states have laws defining public information and regulating its use.
- In addition, a campus' jurisdiction is more limited than the courts. Most institutions of higher education require some connection to the campus in order to address a violation of the code. The connection can be as minimal as the conduct reflects negatively on to the institution or as significant as requiring proof that the conduct had an effect on another student. Still others only address conduct that occurs on campus property.
- A fifth difference is that the process on many campuses is an administrative hearing and not a trial, and as such is not adversarial in nature. Therefore, the institution's process will not have the same procedures as a criminal trial. In Tuskegee's process, students must speak for themselves. They are not permitted to have an attorney, or anyone else speak on their behalf. This is mainly to preserve the educational nature of University disciplinary hearings. It is important for students to represent themselves and to explain their conduct to others.
- Finally, as the student conduct process is considered an educational tool, the sanctions imposed tend to focus on repairing harm to the community, to victims, and to the institution as a whole. They also take into account what the accused student needs to learn from the situation. The process

focuses on helping the student understand why his/her behaviors violated community standards and how the person can avoid making the same mistake again. It is also focused on helping the student see how the instances of misconduct affect others. These are generally not addressed in the criminal process. However, where weapons, drugs or violence are involved for example, students may be facing separation from the institution. In these instances, the campus' primary concern is maintaining a safe environment and a lesser educational response would not be appropriate.

### **DOES BEING CONVICTED OF A CAMPUS VIOLATION GIVE YOU A CRIMINAL RECORD?**

A college or university's student conduct process does NOT lead to anyone being "convicted of a crime." It is a process to determine if a student is to be found responsible for violating the Student Code of Conduct and/or other campus regulations. It can only result in a student discipline record that is maintained for a finite period of time. Also, a criminal record is only generated as a result of a violation of the law and only by a law enforcement official.

### **CAN CRIMINAL CHARGES BE FILED AT THE SAME TIME AS A CAMPUS COMPLAINT?**

Yes: the criminal justice system and the student conduct process are completely independent. Student victims are encouraged to discuss their situation with a police officer to help decide whether or not to file a criminal charge as well. In most cases, it is up to the victim to decide if he or she wishes to file a criminal charge. This is not something a college or university, or any other third party, can do on the victim's behalf.

### **WHY IS THIS NOT CONSIDERED DOUBLE JEOPARDY?**

As stated above the goals of the two systems are not the same. The term double jeopardy is generally understood to mean that a person cannot be tried for the same crime twice. The institution is not charging an accused student with a crime, or violation of law. Instead, the student is being accused of violating the Code of Conduct within the domain of the campus. Therefore, being found guilty simultaneously of a crime in the court system and found responsible of a violation of the University's Code of Conduct does not constitute double jeopardy. The two domains are separate.

### **HOW CAN PARENTS OR GUARDIANS HELP DURING THE JUDICIAL PROCESS?**

While the University recognizes that your goal is to provide support for your student, conduct officers ask that you provide this support unconditionally, but not blindly. Understand that there is a process in place to hear all information regarding the incident in question and encourage your student to prepare him or herself for the process. Assisting students in learning acceptable community behavior is a job that requires assistance from many people. While parents are generally not involved in the formal process related to the University Codes of Conduct, young adults can always benefit from the support and guidance of their parents. It is important to remember that the University holds students accountable for their behavior primarily as an educational tool. The "teachable" moment can be magnified if they are held accountable at home as well as at school.

### **MY SON/DAUGHTER HAS A HEARING OR DISCIPLINARY CO**

## **1. Can parents or guardians be present at the hearing?**

No. In most cases, parents are not permitted to attend a hearing. Your son or daughter is entitled to advisory assistance of their choosing as long as that person is a faculty member, staff member, or student at Tuskegee, and not an attorney except in special circumstances. The advisor's role is to assist, support, and advise students at any stage of the conduct process. The advisor may not, however, ask or answer questions for students or make summation statements on their behalf. This person is not a participant in the hearing except in speaking with the accused student. In matters involving allegations of sexual misconduct, both the complainant and the respondent may each be accompanied by an advisor of their choice, which may be a member of the University community, someone outside of the University community, legal counsel, or family members.

## **2. My son/daughter has a hearing, should we get a lawyer?**

The Tuskegee University Student Code of Conduct states, "Generally, legal counsel shall not be permitted to attend the hearing to represent the student. However, in cases where there are pending criminal charges, the accused student may have legal counsel present as an advisor. If present, the counsel may not participate in the hearing in any way except in advising the accused student. In these cases, the Judicial Affairs Officer may request that university counsel be present in a non-participatory role." In matters involving allegations of sexual misconduct, both the complainant and the respondent may each be accompanied by an advisor of their choice, which may be a member of the University community, someone outside of the University community, legal counsel, or family members.

### **2. A. Why can't our lawyer be present at my student's hearing?**

The process that Tuskegee University uses to resolve conduct cases is not a courtroom; it is a fundamentally fair process administered by educators. Attorneys, while experts in their particular area, are not experts in this process and may hinder resolution. When a student's rights in criminal court need to be protected the attorney may attend (see above).

## **3. Who will be determining if my son or daughter is responsible?**

In the case of a hearing before the University Judicial Hearing Board, the panel making decisions is made up of trained members of the faculty (2 members), the student body (2 members), and the Dean of Students office (one member).

In the case of a Disciplinary Conference the Judicial Affairs Officer or a trained representative will be making that decision.

In the case of sexual misconduct a hearing before the Sexual Misconduct Board, the pane making decisions is made up of at least five (5) and not more than seven (7) trained members. Membership shall include faculty and staff selected by the Judicial Officer and approved by the Dean of Students. The Student Judicial Advisor and Title IX Coordinator are ex-officio members of the Board.

**I PAY THE BILLS; I WANT TO KNOW WHAT IS GOING ON, WHY CAN'T I FIND OUT THE DETAILS OF MY STUDENT'S CASE?**

The Family Educational Rights and Privacy Act of 1974 (FERPA) prohibits educational institutions from disclosing information from a student's educational record to any third party including parents without the student's consent, with some exceptions. In most cases disciplinary records cannot be released to parents without the student's permission. The Office of the Dean of Students and Judicial Affairs always encourages students to discuss issues with their parents.

There are exceptions to FERPA concerning the release of information to parents:

1. Parents of students who are under 21 may be notified of drug and alcohol violations. Tuskegee University notifies parents of these violations.
2. Parents may provide the registrar's office with information proving that the student is a dependent to gain access to student records. Please contact the **University Registrar's Office** for further information.
3. If the health or safety of a student(s) is in question, the information can and will be released.

### **I BELIEVE THAT THE HEARING MY STUDENT HAD WAS UNFAIR, CAN THIS DECISION BE APPEALED?**

Yes, there is an appeals process listed in the Tuskegee University Student Code of Conduct. These kinds of issues are addressed through the appeals process. The appeals process is a chance for an independent group to review decisions made by the University Judicial Hearing Board (UJHB). An appeal may be filed for any or all of the following reasons:

#### **1. Substantive Error**

An appeal request will be granted when there was an error in identifying or interpreting the controlling and relevant University policy or standard of conduct and this substantially affected the hearing and resulted in the Accused being denied a fair hearing outcome.

#### **2. Procedural Error**

An appeal request will be granted when an important procedure leading up to or during the original hearing was ignored or so flawed that the hearing was not fair and impartial.

#### **3. New Evidence**

An appeal request will be granted when relevant new evidence has surfaced that could materially affect the decision or finding of the Hearing Panel/Hearing Officer. This evidence must be produced and substantiated or documented and it is required that proof be provided that this information was not available at the time of the hearing.

#### **4. Disproportionate Sanction**

An appeal request will be granted when the sanction levied against the Responsible party is manifestly unjust because it is overtly disproportionate to the offense.

All requests for appeals must be submitted to the VPSA in writing within five (5) business days of the initial hearing. The Judicial Appeals Board (JAB) normally will act on a request for an appeal within 120 hours (five days) of receiving the appeal from the Vice President of Student Affairs. The form should be typewritten, with an attached statement of no more than five double-spaced pages in length. The statement must clearly specify the grounds on which the appeal request is being submitted and it must be accompanied by any relevant supporting documentation. Each case may be appealed only once.

Upon receipt of the *Appeal of Disciplinary Action* form and all supporting documentation, the Judicial Affairs Officer will forward the appeal request to the Vice President of Student Affairs and Enrollment Management or his/her designee. The Vice President of Student Affairs and Enrollment Management or his/her designee shall have the authority to determine if the appeal could reasonably be expected to meet at least one of the four stated criteria. If the Vice President of Student Affairs and Enrollment Management or his/her designee so rules, he/she will set up an appeal hearing and notify the parties of its date, time, and

Please note that financial aid is not guaranteed for students who exceed 8 semesters of enrollment because of a disciplinary suspension.

## **HOW DOES THIS DISCIPLINARY CHARGE AFFECT MY STUDENT'S RECORD?**

### **Graduate School Admissions**

When a student applies to graduate school, most institutions of higher education will require what is known as a Dean's Certification. This is a document that Tuskegee University will complete for the student and it will outline the charges and primary sanctions (expulsion, suspension, deferred suspension, probation, or warning) imposed for any violations of the Code of Conduct that a student has been found responsible for. It is recommended that if a student has one or more violations of the Code of Conduct on their record that they provide a written statement along with a graduate school application outlining the incident and the actions they took to correct your behavior. It is always in the best interest of the applicant to be honest concerning a past conduct record.

### **Employers**

Most employers do not require a review of your conduct record, but others especially those involving security clearances may. Again it is in a student's best interest to be honest about conduct violations when asked.

### **Can a student's disciplinary record be expunged?**

No, Tuskegee does not expunge or wipe clean student disciplinary records.

## **MY SON/DAUGHTER WAS CITED OFF CAMPUS BY THE LOCAL POLICE, WHY IS**