Proposal for Judicial Reform

This proposal is an outgrowth of the Judicial Workshop held on February 12–14, 1971. Participants in the workshop ranged widely in terms of representation. The lay of the proposal is to outline the principles upon which such a system would function and to set forth a general structure out of which this system could operate.

1. RIGHTS OF COMMUNITY MEMBERS

If the university is to succeed in its pursuit of truth and dissemination of knowledge in a setting where the freedom of inquiry flourishes, the university must provide an institutional framework which encourages the free and fearless exchange of intellectual endeavor without fear of consequences. The university is in a real sense a laboratory in which the participants—faculty, students, and administrators—unite in their mutual search for intellectual growth. This necessarily means experimentation with new and untried systems and theories. It requires the articulation of views at the frontier of thought which may seem heretical to the majority, and may indeed never gain acceptance. But these experiments, and these tests of sentiment, must not be restricted by artificial or arbitrary rules that would be stifling in the university context, no matter how appropriate they might be in another context. In short, academic freedom in the fullest sense of the expression is indispensable to the existence of the university.

1. Freedom in the Classroom. Freedom of discussion and expression of views must be encouraged and protected. It is the responsibility of the professor and student in the classroom and in conference to insure the realization not only of the fact but also of the spirit of free inquiry. In particular, every effort must be made by all concerned to guard against prejudiced or capricious academic evaluation.

2. Freedom of Association. Organizations within the university must be free to form, to maintain, and to function and to set forth a general structure out of which this system could operate.

3. Use of University Facilities. University facilities shall be used for the purposes of the university as defined in the principles upon which such a system would function and to set forth a general structure out of which this system could operate.

4. Freedom of Protest. The right to peaceful protest within the university community must be preserved. The university, in recognizing its legal obligation, retains the right to assure the safety of individuals, the protection of property, and the continuation of the educational process. Orderly picketing and other peaceful protest activities protected on university premises if there is no interference with freedom of expression through areas where members of the university community have the right to be.

5. University Governance. Members of the university community must be free, individually and collectively, to participate in the formulation and application of institutional policy and on matters of general interest to the community. There must be clearly defined means for participation by all concerned in the formulation and application of institutional policy affecting university affairs.

6. Violation of Law and Discipline. If a member of the university community is charged with an off-campus violation of law, the matter should be of no disciplinary concern to the university unless the individual is unable to comply with the requirements of his/her membership within the community.

If the violation of law occurs on campus and is also a violation of a published university regulation, the university may institute its own proceedings against the offender at any time.

7. Privacy Rights. The university must protect the interest of its members in preservation of the right of privacy.

a. The university should not regard itself as the arbiter or enforcer of the laws of its members where civil or criminal law is not broken, or where standards of conduct established by the university have not been violated.

b. The right of privacy for students in the residence halls is a value which must be protected.

1) Nothing in the university relationship or residence hall contract shall give the university the authority to consent to a search of a student’s room by police or other government officials without a warrant or other state/federal legal authority to do so.

2) Where the university or its representative seeks access to a student’s room to determine compliance with provisions of the regulations relating to multiple dwelling units, the occupant(s) should be notified of the purpose of said entry in advance (when feasible). Where the entry is sought to make improvement or repairs, notices should be given in advance. In emergency circumstances where imminent danger to life, safety, health, or property is reasonably feared, entry should be allowed without advance notice.

Confidentiality of Records. Respect must be accorded the essentially confidential relationship between the university and the community member by preserving to the maximum extent possible the privacy of all records relating to each member. Constructive principles for the use of records in disciplinary matters are specified in Section VI.

II. University Regulations

University discipline may cover misconduct by a community member—student, faculty, or staff—which adversely affects the university community’s pursuit of its educational objectives, or threatens the safety of persons or property.

The following actions and/or behavior are expressly prohibited. Violations may result in official discipline as action by the university. Procedures will be followed as set forth in the following pages, adapted to the role of the accused within the community. It is the responsibility of the individual to familiarize himself/herself with these regulations.

a. Violation of any civil or criminal law on university owned or operated property.

b. Dishonesty, including, but not limited to, cheating, engaging in fraudulent behavior, forgery, alteration or misuse of university documents, records, or identification; or, knowingly furnishing false information to the university.

c. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university activity or property, public service functions, or of other authorized activities on university premises, to such a degree that the activity can no longer reasonably continue.

d. Failure to answer without reasonable cause a summons to appear at a judicial hearing. The individual who is summoned may refuse to appear, but he/she must answer the summons unless reasonable cause is shown.

e. Physical abuse, harassment, or intimidation of any person on university owned or controlled property or at university sponsored or supervised functions, or conduct which threatens or endangers the health or safety of any such person.

f. Unauthorized entry to university facilities, property, or equipment, or removal or destruction of such property or part thereof, or of property under university administration and/or supervision.

g. Theft and/or destruction to property of a member of the university community from another such property under university administration.

h. Violation of university policies or of regulations governing the registration of student organizations, events on campus, and the use of university facilities, as described in this publication.

i. Violations of rules governing residence in university owned or controlled property, as published in this publication, and in the university housing brochure.

j. Violation of regulations governing the use of alcoholic beverages on campus as described in this publication.

k. Possession, use, distribution of narcotic or dangerous drugs, except as expressly permitted by law.

l. Disorderly conduct or lewd, indecent, or offensive scene or expression on university owned or controlled property or at university sponsored or regulated activities.

m. Failure to comply with the directions of university officials acting in the performance of their duties. (Any university official directing any university community member to act in accordance with his wishes must identify himself/herself upon request.)

n. Failure to present a university I.D. card when requested to do so by a university official. (Any university official requesting identification from any university community member must also present his/her identification upon request.)

o. Failure to honor all contracts with and debts to the university and to those agencies with which the university contracts.

p. Violation of university policies or of regulations governing the possession or use of firearms or motorcycles, or other motor vehicles on campus; or violation of parking regulations published by the Campus Security Office.

q. Possession or purchase and/or use of firearms or other weapons or explosives, such as fireworks; possession and/or use of dangerous chemicals except as authorized for use in class, or in connection with university sponsored research or other approved activities. (Provision has been made to store weapons in the Security Building. Those adhering to the provisions for storage would not be in violation of this regulation).

r. Willfully setting fire to university property or creating a confiscation on university property.
JUDICIAL PROPOSAL

III. The Judicial System—Its Purposes and Composition

A. Delegation of Authority: The President as a technical advisor to the University charter usually gives the power and authority over the educational mission of the institution to a Board of Trustees. The Board's primary purpose is to act in the best interest of the University as the highest administrative officer. He, in turn, assigns execution of judicial and administrative procedures to subordinate officers, faculty, and, increasingly, to students.

It will be presumed that the president will normally sustain the findings and recommendations reached by any hearing or appeal boards, Question of those findings and recommendations might be expected to be referred to the Board of Trustees or to another appropriate body, so that the facts and the law present themselves. In such a case the president would be expected to receive findings and recommendations, appoint appropriate appeal boards to further investigate the facts, and to determine which reports warrant university adjudication, or individual investigation, or continued hearing as a member of the Clearing House and the Classified Security office.

The summer months. No member may serve concomitantly as a member of the Clearing House and Classified Security office. The members will serve on a rotating basis, in two-year terms, with at least one-half of the membership changing each year. No person may serve for more than two consecutive terms. Such members should be appointed jointly by Student Association and Graduate Student Association. Only student members, with the exception of members of security, may serve on the Clearing House.

b. The Clearing House members will be notified by the director of student services or the director of classified personnel of all cases in which evidence present themselves. In such a case the director will be expected to receive the findings and recommendations of the complaint board and to determine which reports warrant university adjudication, the Clearing House shall forward the completed referral forms to the appropriate hearing board.

c. Within three working days of receipt of the referral, the chairman of the hearing board shall have completed his review and rendered a decision, in writing, to the appropriate individual.

d. If such a decision indicates the need for university adjudication, the Clearing House shall forward the completed referral forms to the appropriate hearing board.

2. Composition: In drawing together the representation described below, the board will assemble a bona fide cross-section of the university community.

b. If the infraction may be a.

c. If the infraction is clearly, definitely, and beyond any doubt a violation of the rules of the university community, the infraction shall be referred to the hearing board. The appeals board shall serve the hearing board and the appeal board. The secretary shall serve the hearing board and appeal board. The secretary shall serve all records concerned with the disciplinary system, and shall assist the various chairmen of any hearing body or other appropriate channel with any correspondence related to the disciplinary system.

3. Procedures:

f. To refer to a university disciplinary system hearing board or another adjudicatory body any case requiring university adjudication, regardless of additional pending action (e.g., criminal court).

g. To refer the complainant to appropriate courses in taking action when the case is considered by the president to be too serious to be handled only within the university.

h. To be the pre-hearing body in any serious or emergency cases requiring a preliminary hearing to be held as soon as possible after the case referred by the Clearing House for referral, or the individual making the complaint

3. Procedures:

a. Within five working days of receipt of the referral, the chairman of the hearing board shall have completed his review and rendered a decision, in writing, to the appropriate individual.

d. If such a decision indicates the need for university adjudication, the Clearing House shall forward the completed referral forms to the appropriate hearing board.

e. The Clearing House will not serve as the referring body when another member or group within the university community is willing to fulfill this role. It may, however, serve this function when the absence of such a person or group, when adjudicating the complaint is clear and necessary to the hearing board. The Clearing House may also refer a referral form, with the knowledge of the referring body, when appropriate. In assigning case to, or accepting referrals from, the Clearing House, all students as necessary to be considered to be acting in the name of the university.

f. Some cases will be referred by an individual or group of individuals independent of Clearing House review or consultation and some will be referred to the Clearing House. Both types of cases shall receive equal treatment by the adjudicating body or other appropriate channel.

b. The board will consist of 18 (eighteen) members, of which nine will serve at any given time. The composition will be as follows:

- 2 classified service personnel chosen by the classified security
- 5 officers, one chosen by the faculty, two by the student association, and two by the classified service personnel
- 6 students (1 graduate and 5 undergraduate) appointed jointly by Student Association and Graduate Student Association

The board will be appointed in April of each year for a term beginning in September. Each appointed member shall serve a one-year term. The board will meet at least twice per year, in September, to organize the board and to elect an executive officer. The board will meet at least twice per semester, in September and December, to organize the board and to elect an executive officer.

b. Members of the security force, chosen by the classified security personnel, shall be ex officio members of the Clearing House and Classified Security office.

c. Members within each sub-group should be as divergent as possible and are the greatest scope of representation.

b. The Clearing House will assist the individual in presenting his case and in working with the appropriate channel.

c. If the infraction is clearly, definitely, and beyond any doubt a violation of the rules of the university community, the infraction shall be referred to the hearing board. The appeals board shall serve the hearing board and the appeal board. The secretary shall serve all records concerned with the disciplinary system, and shall assist the various chairmen of any hearing body or other appropriate channel with any correspondence related to the disciplinary system.

b. The board is named for the University Appeal Board.

c. The board is named for the University Appeal Board.

d. The board is named for the University Appeal Board.

e. The board is named for the University Appeal Board.

The board will consist of 15 (fifteen) members, of which nine will serve at any given time. The composition will be as follows:

- 2 classified service personnel chosen by the classified security
- 5 officers, one chosen by the faculty, two by the student association, and two by the classified service personnel
- 6 students (1 graduate and 5 undergraduate) appointed jointly by Student Association and Graduate Student Association

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JUDICIAL PROPOSAL

11. Decisional Rights

a. The calendar for hearings shall be fixed by the hearing board and shall be available in writing to the defendant, with copies available to the complainant and to any other persons who took part in the hearing.

b. Any member of the hearing board or appeal board may address questions to any party to the proceedings, when, and if, the party consents thereto.

c. The Hearing Board may address questions to any party to the proceedings or to any witnesses called by either party or by the board itself. Any party may request the cross-examination of any witness called by the board. Any witness may be required to produce physical evidence or other testimony which is material in the case. Any member of the hearing board or appeal board may call by either party or by the board itself.

d. The Hearing Board may address questions to any party to the proceedings or to any witnesses called by either party or by the board itself. Any party may request the cross-examination of any witness called by the board. Any witness may be required to produce physical evidence or other testimony which is material in the case. Any member of the hearing board or appeal board may call by either party or by the board itself.

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f. No—appearance at a hearing: see Section IV, B.

2. Self Incrimination

a. Any individual charged with misconduct has the right to be advised at the hearing by anyone of his choosing, including a lawyer, but he must represent himself. To have an advisor or a lawyer speak for any parties concerned with a case would escalate the right. In claiming the right to refuse to answer a legal trial. Because the hearing is being conducted within the university by a community body, and the right to counsel is still preserved, allowed to the attorney's own discretion in deciding outside the university the hearing, and to have the power to keep confidential, that, if he were to be subject to the same hearing as the facts may warrant including suspension or to the safety and well-being of other students, faculty, or university property.

b. In any case where pre—hearing action is seen as necessary or at least as possible, the alleged violator should be given the opportunity to be heard on the case, and the court should be held to the same standard of fundamental fairness, it is unacceptable to permit charged persons to testify with the same alleged infraction, and where the facts of case.

3. Group Hearings

a. The hearing itself in no way restricts the right to consult and represent outside the hearing room.

b. No—appearance at a hearing: see Section IV, B.

4. Pre—hearing Disciplinary Action

a. The university's concern is not double jeopardy in any case where pre—hearing action is seen as necessary or at least as possible, the alleged violator should be given the opportunity to be heard on the case, and the court should be held to the same standard of fundamental fairness, it is unacceptable to permit charged persons to testify with the same alleged infraction, and where the facts of case.

b. In any case where pre—hearing action is seen as necessary or at least as possible, the alleged violator should be given the opportunity to be heard on the case, and the court should be held to the same standard of fundamental fairness, it is unacceptable to permit charged persons to testify with the same alleged infraction, and where the facts of case.

5. Publication of Decisions

a. Pursuant to the Taylor Law, the following provisions shall apply:

i. No—appearance at a hearing: see Section IV, B.

j. The Hearings Board shall take place no later than ten working days after the receipt of the referral form, and the hearing itself shall take place no later than ten working days after the receipt of the forms.

k. The hearings shall be conducted in such a manner that the characteristic of a closed hearing shall be undercut by rules of procedure or evidence (see Section IV, A).

l. In case the chairman or any of the parties makes a determination that the contents of the hearings shall be kept confidential, such determination shall be made available in writing to the defendant, with copies available to the complainant and to any other persons who took part in the hearing.

m. Any member of the hearing board or appeal board may address questions to any party to the proceedings or to any witnesses called by either party or by the board itself. Any party may request the cross-examination of any witness called by the board. Any witness may be required to produce physical evidence or other testimony which is material in the case. Any member of the hearing board or appeal board may call by either party or by the board itself.

n. No—appearance at a hearing: see Section IV, B.

6. Other Recognized Procedures for Adjudication of Cases

a. Pursuant to the Taylor Law, the following provisions shall apply:

i. No—appearance at a hearing: see Section IV, B.

j. The Hearings Board shall take place no later than ten working days after the receipt of the referral form, and the hearing itself shall take place no later than ten working days after the receipt of the forms.

k. The hearings shall be conducted in such a manner that the characteristic of a closed hearing shall be undercut by rules of procedure or evidence (see Section IV, A).

l. In case the chairman or any of the parties makes a determination that the contents of the hearings shall be kept confidential, such determination shall be made available in writing to the defendant, with copies available to the complainant and to any other persons who took part in the hearing.

m. Any member of the hearing board or appeal board may address questions to any party to the proceedings or to any witnesses called by either party or by the board itself. Any party may request the cross-examination of any witness called by the board. Any witness may be required to produce physical evidence or other testimony which is material in the case. Any member of the hearing board or appeal board may call by either party or by the board itself.

n. No—appearance at a hearing: see Section IV, B.

o. The Hearings Board shall take place no later than ten working days after the receipt of the referral form, and the hearing itself shall take place no later than ten working days after the receipt of the forms.

p. The hearings shall be conducted in such a manner that the characteristic of a closed hearing shall be undercut by rules of procedure or evidence (see Section IV, A).

q. In case the chairman or any of the parties makes a determination that the contents of the hearings shall be kept confidential, such determination shall be made available in writing to the defendant, with copies available to the complainant and to any other persons who took part in the hearing.

r. Any member of the hearing board or appeal board may address questions to any party to the proceedings or to any witnesses called by either party or by the board itself. Any party may request the cross-examination of any witness called by the board. Any witness may be required to produce physical evidence or other testimony which is material in the case. Any member of the hearing board or appeal board may call by either party or by the board itself.

s. No—appearance at a hearing: see Section IV, B.

t. The Hearings Board shall take place no later than ten working days after the receipt of the referral form, and the hearing itself shall take place no later than ten working days after the receipt of the forms.

u. The hearings shall be conducted in such a manner that the characteristic of a closed hearing shall be undercut by rules of procedure or evidence (see Section IV, A).

v. In case the chairman or any of the parties makes a determination that the contents of the hearings shall be kept confidential, such determination shall be made available in writing to the defendant, with copies available to the complainant and to any other persons who took part in the hearing.

w. Any member of the hearing board or appeal board may address questions to any party to the proceedings or to any witnesses called by either party or by the board itself. Any party may request the cross-examination of any witness called by the board. Any witness may be required to produce physical evidence or other testimony which is material in the case. Any member of the hearing board or appeal board may call by either party or by the board itself.

x. No—appearance at a hearing: see Section IV, B.

y. The Hearings Board shall take place no later than ten working days after the receipt of the referral form, and the hearing itself shall take place no later than ten working days after the receipt of the forms.
6. The Right of Appeal
a. Both defendant and complainant have the right to appeal the decision of a hearing board.
b. An appeal of the decision of the hearing board must be submitted to the appeal board within 20 days of receipt of the decision of the hearing board. This appeal must be in writing.
c. An appeal, when accepted by the appeal board, must be based upon a statement that the hearing involved due process. 1) Questions of procedure which involved due process do not prevent the appeal. Was the evidence sufficiently strong to justify a decision? 2) Was the sanction imposed in keeping with the gravity of the wrongdoing?
3) Appearance of substantive new evidence related to the case, and that appeal board may accept the original decision of the hearing board, may reverse the decision. If the appeal board concludes that the return to the board to that board for a further hearing, may reverse the hearing board's decision as an original, or may reduce the sanctions imposed. They may not, however, increase the sanctions.
If the appeal board accepts the appeal, the hearing board should be notified of the fact that either party may petition the president of the university for a new hearing. In cases where the original hearing board has been reversed for a new hearing, he may conduct the hearing himself or designate the hearing board which will conduct the case. The accused, additionally, has the right to designate a new hearing board to reopen the case upon discovery of new evidence. The hearing board will judge the necessity for the new evidence, and the appeal board can be taken for its decision. Normally the appeal board reviews the written record from the hearing board in determining whether or not to accept the request for an appeal, or in actually hearing an appeal. However, the appeal board may request a further presentation concerning the grounds for appeal, and may also ask for rebuttal statements from the hearing board. The appeal board should invite the chairman of the hearing board to present at the appeal hearings, to clarify the actions or decisions of the hearing board.

5. Non—appearance
Non—appearance of the defendant should never be considered by the establishment of an inconvenient hearing calendar. Alternative dates should be available. If, within reason, the defendant has been given willing alternatives to the date of his hearing, and there is no malfunction of the court calendar, the date, the hearing board may proceed to fix the date of the hearing. The hearing board will make advance notification of hearing of the defendant should be issued, along with a statement that the hearing will proceed whether or not the defendant is present.
Non—appearance does not mean that the appropriate procedures need not be followed in hearing evidence, weighing facts, and rendering judgment. In addition, the defendant—appears, has been given willing alternatives to the date of his hearing, and the date, the hearing board may proceed to fix the date of the hearing. The hearing board will make advance notification of hearing to the defendant that either party may petition the president of the university for a new hearing. In cases where the original hearing board has been reversed for a new hearing, he may conduct the hearing himself or designate the hearing board which will conduct the case. The accused, additionally, has the right to designate a new hearing board to reopen the case upon discovery of new evidence. The hearing board will judge the necessity for the new evidence, and the appeal board can be taken for its decision. Normally the appeal board reviews the written record from the hearing board in determining whether or not to accept the request for an appeal, or in actually hearing an appeal. However, the appeal board may request a further presentation concerning the grounds for appeal, and may also ask for rebuttal statements from the hearing board. The appeal board should invite the chairman of the hearing board to present at the appeal hearings, to clarify the actions or decisions of the hearing board.
Hearings of lower boards, appealed to the hearing board, terminate at the hearing board.

V. DISCIPLINARY ACTION
A. Sanctions
The most important principles of minor disciplinary matters, or major disciplinary matters, are:
1. Expulsion, Readmission must be listed.
2. Suspension, Exclusion from the residence halls, for a specified period of time. This action will involve forfeiture of all room and board charges.
3. Restitution, Reimbursement for damage to or misappropriation of university property under university administration and/or supervision, or for damage to property on university premises.
4. Disciplinary Probation, Exclusion from privileges or activities as set forth in the notice of disciplinary probation. The length of the probation should be stated in the notice of such action.
5. Disciplinary removal from residence halls for a specified amount of time. This action will involve forfeiture of all room and board charges.
6. The Right of Appeal
a. Both defendant and complainant have the right to appeal the decision of a hearing board.
b. An appeal of the decision of the hearing board must be submitted to the appeal board within 20 days of receipt of the decision of the hearing board. This appeal must be in writing.
c. An appeal, when accepted by the appeal board, must be based upon a statement that the hearing involved due process. 1) Questions of procedure which involved due process do not prevent the appeal. Was the evidence sufficiently strong to justify a decision? 2) Was the sanction imposed in keeping with the gravity of the wrongdoing?
3) Appearance of substantive new evidence related to the case, and that appeal board may accept the original decision of the hearing board, may reverse the decision. If the appeal board concludes that the return to the board to that board for a further hearing, may reverse the hearing board's decision as an original, or may reduce the sanctions imposed. They may not, however, increase the sanctions.
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5. Non—appearance
Section IID requires that all pertinent procedures be followed for proceedings to be fair and in keeping with due process. The only alternative for a fair hearing is the opportunity to be heard. This implies that the person(s) involved must be informed in advance of the possible consequences and has been given the opportunity to attend.
Non—appeal of the defendant should never be considered by the establishment of an inconvenient hearing calendar. Alternative dates should be available. If, within reason, the defendant has been given willing alternatives to the date of his hearing, and there is no malfunction of the court calendar, the date, the hearing board may proceed to fix the date of the hearing. The hearing board will make advance notification of hearing of the defendant should be issued, along with a statement that the hearing will proceed whether or not the defendant is present.
Non—appearance does not mean that the appropriate procedures need not be followed in hearing evidence, weighing facts, and rendering judgment. In addition, the defendant—appears, has been given willing alternatives to the date of his hearing, and the date, the hearing board may proceed to fix the date of the hearing. The hearing board will make advance notification of hearing to the defendant that either party may petition the president of the university for a new hearing. In cases where the original hearing board has been reversed for a new hearing, he may conduct the hearing himself or designate the hearing board which will conduct the case. The accused, additionally, has the right to designate a new hearing board to reopen the case upon discovery of new evidence. The hearing board will judge the necessity for the new evidence, and the appeal board can be taken for its decision. Normally the appeal board reviews the written record from the hearing board in determining whether or not to accept the request for an appeal, or in actually hearing an appeal. However, the appeal board may request a further presentation concerning the grounds for appeal, and may also ask for rebuttal statements from the hearing board. The appeal board should invite the chairman of the hearing board to present at the appeal hearings, to clarify the actions or decisions of the hearing board.

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3. Restitution, Reimbursement for damage to or misappropriation of university property under university administration and/or supervision, or for damage to property on university premises.
4. Disciplinary Probation, Exclusion from privileges or activities as set forth in the notice of disciplinary probation. The length of the probation should be stated in the notice of such action.
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b. An appeal of the decision of the hearing board must be submitted to the appeal board within 20 days of receipt of the decision of the hearing board. This appeal must be in writing.
c. An appeal, when accepted by the appeal board, must be based upon a statement that the hearing involved due process. 1) Questions of procedure which involved due process do not prevent the appeal. Was the evidence sufficiently strong to justify a decision? 2) Was the sanction imposed in keeping with the gravity of the wrongdoing?
3) Appearance of substantive new evidence related to the case, and that appeal board may accept the original decision of the hearing board, may reverse the decision. If the appeal board concludes that the return to the board to that board for a further hearing, may reverse the hearing board's decision as an original, or may reduce the sanctions imposed. They may not, however, increase the sanctions.
If the appeal board accepts the appeal, the hearing board should be notified of the fact that either party may petition the president of the university for a new hearing. In cases where the original hearing board has been reversed for a new hearing, he may conduct the hearing himself or designate the hearing board which will conduct the case. The accused, additionally, has the right to designate a new hearing board to reopen the case upon discovery of new evidence. The hearing board will judge the necessity for the new evidence, and the appeal board can be taken for its decision. Normally the appeal board reviews the written record from the hearing board in determining whether or not to accept the request for an appeal, or in actually hearing an appeal. However, the appeal board may request a further presentation concerning the grounds for appeal, and may also ask for rebuttal statements from the hearing board. The appeal board should invite the chairman of the hearing board to present at the appeal hearings, to clarify the actions or decisions of the hearing board.