



## **POLICY TITLE**

***NON-ACADEMIC DISCIPLINARY PROCEEDINGS POLICY***

## **POLICY NUMBER**

***SUS-13-003***

<b>Responsible Unit:</b> <i>System Office for Compliance</i>	<b>Effective Date:</b> <i>08/16/2024</i>
<b>Responsible Official:</b> <i>System Director for Compliance and each campus Vice Chancellor overseeing Student Affairs</i>	<b>Last Reviewed Date:</b> <i>07/19/2024</i>
<b>Policy Classification:</b> <i>Student Affairs</i>	<b>Origination Date:</b> <i>09/16/2022</i>

### **I. POLICY STATEMENT AND RATIONALE**

The Southern University System is committed to ensuring all students are guaranteed their due process rights as guaranteed by the U.S. Constitution, the Louisiana Constitution, and the Student Due Process and Protection Act.

### **II. POLICY SCOPE AND AUDIENCE**

This policy applies to all students and student organizations at any institution under the Southern University System where the student or the student organization is accused of a violation of an institution's non-academic rules or policies that carries a potential penalty of suspension of ten or more days, deferred suspension, or expulsion.

### **III. POLICY COMPLIANCE**

Violations or failure to adhere to the policy may result in action under the appropriate handbook for faculty and staff. Each violation should be reported to the System Office for Compliance.

The Student Due Process and Protection Act provides that any student or student organization that has its rights violated under the Student Due Process and Protection Act may bring a private right of action against the institution and its agents acting in their official capacities.

#### **IV. POLICY DEFINITIONS**

“Fully participate” includes the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide the alleged victim or accused with support, guidance, and advice.

The Student Due Process and Protection Act refers to La. R.S. 17:3394.

#### **V. POLICY IMPLEMENTATION PROCEDURES**

The disciplinary procedures contained in each institution’s student handbook and/or student code of conduct shall contain the following for any violation of an institution’s non-academic rules or policies that carries a potential penalty of suspension of ten or more days, deferred suspension, or expulsion:

- Right for the accused student, accused student organization, and alleged student victim to be represented, at the student or organization’s expense, by an attorney or a non-attorney advocate who may fully participate during any disciplinary proceeding, appellate hearing, or during any other procedure adopted by the institution. Notice of this right shall be provided to the students (accused or alleged victims) in writing prior to scheduling a disciplinary proceeding.
- Each accused student or accused student organization is entitled to, upon receiving notice of the charge, to notice of any and all violations of the institution’s non-academic rules or policies and the disciplinary proceedings or charges that will occur as a result. This notice shall include but not be limited to each and every section of the institution’s rules or policies that the student or student organization is alleged to have violated and any evidence the institution used and collected in making the charge.
- The accused student or accused student organization is afforded the expressed presumption of innocence and set forth that the student or the student organization may not be deemed guilty of the violation until the student or the student organization formally acknowledges responsibility or the conclusion of a hearing where the institution has proven every element of the violation necessary to constitute guilt by clear and convincing evidence. The standard of establishing guilt through clear and convincing evidence shall not alter the burden of proof in hearings held pursuant to Title IX of the Education Amendments of 1972 or R.S. 17:3399.11, et seq.
- The institution shall maintain an administrative file of the disciplinary proceedings. The file shall include all documents and evidence in the institution’s possession or control relevant to the alleged violation and the institution’s investigation including but not limited to exculpatory evidence, documents submitted by any participant, and the institution’s choice of a video recording, audio recording, or transcript of any disciplinary hearing ultimately held in the matter. The file shall not include privileged documents or internal memorandums that the institution does not intend to introduce as evidence at any hearing on the matter.

- The accused student, accused organization, and alleged victim shall be provided reasonable continuing access to the administrative file and the ability to make copies of all evidence or documents in the file beginning at least seven business days prior to any disciplinary hearing, or sooner if otherwise specified under federal law, except that individual portions of the administrative file shall be redacted if disclosure of the evidence is required by law.
- All disciplinary proceedings are carried out free from conflicts of interest by ensuring that there is no commingling of administrative or adjudicative roles. A commingling of such roles shall occur if any individual carries out more than one of the following roles with respect to any disciplinary proceeding: (a) victim counselor and victim advocate, (b) investigator, (c) institutional prosecutor, (d) adjudicator, or (e) appellate adjudicator.
- Any student or student organization that is found to be in violation of the institution's non-academic rules or policies shall be afforded an opportunity to appeal the institution's initial decision to an appellate entity that is an institutional administrator or body that did not make the initial decision. Such an appeal shall be filed within ten days after receiving final notice of the institution's decision. The right to appeal the result of the institution's disciplinary proceeding also applies to the student who is the alleged victim.
- The issues that may be raised on appeal include new evidence, contradictory evidence, and evidence that the accused student or the accused student organization was not afforded due process. The institutional body considering the appeal may consider police reports, transcripts, and the outcome of any civil or criminal proceedings directly related to the appeal.
- Upon considering the appeal, the institutional body considering the appeal may grant the appeal, deny the appeal, order a new hearing, or reduce or modify the punishment. If the appeal results in the reversal of the decision or a lessening of the sanction, the institution shall reimburse the student for any tuition and fees paid for the period of suspension, including deferred suspension, or expulsion, which had not been previously refunded.
- If an institution takes reasonable interim measures necessary to ensure the physical safety of members of the campus community during a timely investigation and adjudication of a student disciplinary issues, the interim measure shall require the following:
  - Within seventy-two hours of the alleged violation being deemed an immediate threat, written notice of the interim measure that explains the institution's reasons for enacting the measures.
  - Within seven business days of the written notice of the interim measure provided above, unless otherwise waived by the accused student, an interim measure hearing to determine whether there is substantial evidence that the student poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk.

## **VI. POLICY RELATED INFORMATION**

- The Student Due Process and Protection Act (La. R.S. 17:3394)


## VII. POLICY HISTORY AND REVIEW CYCLE

This is a revised policy. The effective date of this revised policy is determined by the approval dates and signatures of the Chair of the Southern University System Board of Supervisors and the President of the Southern University and A&M College System. This revised policy is subject to a five-year policy review cycle.

## VIII. POLICY URL

The approved policy will be posted on the Southern University System website under Board Policies at [www.sus.edu/policies](http://www.sus.edu/policies).

## IX. POLICY APPROVAL


  
Dennis J. Shields (Oct 21, 2024 20:03 CDT)

***Dennis J. Shields***

*President, Southern University and A&M College System*

**10-19-2024**

***Effective Date of Policy***

  
Myron K. Lawson (Oct 21, 2024 18:55 CDT)

***The Honorable Myron K. Lawson***

*Chair - Southern University System Board of Supervisors*

**10-19-2024**

***Effective Date of Policy***

# Non-Academic Disciplinary Proceedings









## 10-19-24

Final Audit Report

2024-10-22

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