



## ATTORNEY GUIDE TO THE STUDENT CONDUCT PROCESS

### **I am representing a student from the University of Texas at Tyler in a conduct matter. How do I participate in the conduct process at the University?**

Students are expected to take an active role in responding to allegations of misconduct. Therefore, it is in the student's best interest to engage in the process. The Office of Student Conduct and Intervention will communicate directly with the student. Attorneys are not allowed to participate directly in any part of the conduct process; however, a student may at any time seek assistance from legal counsel and the attorney can participate through the role of an advisor.

### **How do I access my client's case file?**

A student may have reasonable access to their case file prior to and during the hearing, including an oral summary of the evidence supporting the charge(s). Respondents must make this request in writing. Copies of case files are not provided as a matter of policy in order to protect confidentiality or the privacy of other students involved in the conduct matter. However, if the conduct case goes to a full hearing, the Conduct Officer may include the incident report as evidence. This evidence will be provided to the student in accordance to the timeline listed in the *Manual of Policies and Procedures for Student Affairs*.

### **My client is charged with an off-campus crime. Can the student conduct process be postponed until the criminal matter is resolved?**

It is the desire of UT Tyler to resolve matters in a timely and expeditious manner and review will not be delayed for criminal proceedings, unless there is a compelling reason for the university to consider postponing the process. Conduct proceedings are independent of any governmental criminal processes that are or may become applicable to the behavior at issue. The findings of governmental authorities will not be determinative of the outcome of the student conduct process.

### **I have advised my client not to participate in the conduct process until his/her criminal matter is resolved. What is UT Tyler's position on my client's right to remain silent?**

UT Tyler may move forward with the conduct process in the student's absence and make a determination of responsibility based on information yielded from its investigation. Students may choose to remain silent recognizing that they give up their opportunity to provide their story for consideration by the decision-making body.

### **What is UT Tyler's interest in my client's off-campus conduct?**

The student conduct process is applicable to all University students, including undergraduate, professional, and graduate students. The jurisdiction of the process extends to behaviors by students and students' guests that occur on or adjacent to any campus or at any University-operated program, premises or facility, including study abroad programs, internships, athletic events, campus trips, and any other activity occurring in the scope of or fairly related to the students' relationship with the University. The University reserves the right to take any action, which in its judgment is necessary and appropriate to protect the safety and well-being of the campus community.

**What is the burden of proof in a student conduct hearing?**

The burden of proof will be such that the respondent will be presumed not responsible for the violation(s). Responsibility of the respondent must be established to the satisfaction of the student conduct review board or administrator by a preponderance of the evidence. A student will be found responsible of the alleged violation(s) if it is more than likely than not that they violated the Student Code of Conduct or University Policies.

**Does the student conduct review process at UT Tyler comply with procedural due process?**

The student conduct process is grounded in the educational mission of the institution. Student conduct procedures at UT Tyler comply with the Due Process Clause's essential requirements of notice and an opportunity to be heard.

For more information about the student conduct process, please consult with UT Tyler's Office of Student Conduct and Intervention.