



RECEIVE AND EVALUATE

The dean of students, or their designee, shall conduct an initial review of the Report to determine whether the Report alleges a Violation of the Standards of Behavior and whether the behavior should be addressed and Sanctions decided by the Office of the Dean of Students or by the Office of Housing and Residential Education.

INSUFFICIENT EVIDENCE/CASE CLOSED

When weighing the information provided, it may be determined there is not enough information to move forward on a formal behavioral standards matter. Examples of times we would not move forward on a behavioral standards matter include, but are not limited to:

- The Office of the Dean of Students receives an anonymous report about an incident that does not disclose any identifying information about the responding student. In this case, we do our best to reach out to the anonymous reporter, if possible, to explain the complaint process and see if they would like to provide more information, as well as connect them to other campus resources to help them resolve the issue.
- The Office of the Dean of Students receives a report from a community member about someone they believe is a student at the University of Utah. Upon initial inquiry it is discovered that the responding person is actually not a student at the U. As they are not a student, we would have no jurisdiction over that individual and we would encourage the reporting party to report the University Police Department or an entity that would have oversight of that individual.

Even if we are not able to investigate a complaint, in many of these cases our office still looks for ways to educate our campus community based on what information was reported.

ASSIGN TO ODOS

If the behavior does not involve residential students, did not happen in the halls, or if there are other considerations within the case, the dean of students or their designee may assign the case to an accountability office in the Office of the Dean of Students

ASSIGN TO HRE

If the behavior described is low-level, occurs in the residence halls, and involves residential students, the dean of students or their designee may assign the case to an accountability officer in Housing & Residential Education.

ACCOUNTABILITY OFFICER SENDS STUDENT A REQUEST TO MEET LETTER

After reviewing the report, the accountability officer will send the responding student a letter to their Umail with the following information:

1. a description of the Report, including how the alleged action is a Violation of the Standards of Behavior;
2. a description of the processes through which the case may be addressed, including, based on the nature of the allegation, whether informal resolution may be appropriate and whether the case will require a Hearing;
3. a request to schedule a Hearing if the alleged Behavior Standards Violation warrants a Hearing or a request to schedule a meeting for all other alleged Behavior Standards Violations;
4. information about the right to an advisor; and
5. a hyperlink to [Policy 6-400](#) and this procedure.

INITIAL INQUIRY MEETING

This meeting is to afford the student their due process right of having their voice heard. The accountability officer will give the student a brief summary of the report, an overview of the accountability process, and ask the student to share their perspective of the incident. The accountability officer may ask clarifying questions as well as questions about the student's decision-making during the incident. The accountability

officer will also explain the next steps in the process, such as resolution options and potential educational measures or sanctions.

STUDENT DOES NOT RESPOND

If the student does not respond within five (5) business days of the request to meet letter being sent, the accountability officer will move forward with resolving the case with the information they have available at the time, such as written reports, witness statements, etc.

PREPONDERANCE OF THE EVIDENCE STANDARD IS APPLIED

The Office of the Dean of Students uses the preponderance standard to weigh the information available to them. The preponderance standard means it is more likely than not that the behavior occurred and that it was a violation of the Standards of Behavior.

NOT RESPONSIBLE/CASE CLOSED

If the information available does not meet the preponderance standard, the accountability officer will send the responding student a letter stating that they are not responsible for violating the Standards of Behavior.

INFORMAL RESOLUTION

An informal resolution may include processes such as alternative dispute resolution, facilitated dialogue, or other measures aimed at education and restoring the community. The responding student may, in collaboration with the accountability officer, mutually agree upon an informal resolution agreement where the responding student agrees that the Standards of Behavior were violated, will complete the mutually agreed-upon educational measures, and that the student waives their right to an appeal.

FORMAL RESOLUTION

If a student does not respond to the request to meet letter, does not agree to the informal resolution, or the responding student fails to comply with the terms and conditions of the informal resolution agreement, the accountability officer will move forward with the formal resolution. The accountability officer will make a decision, find the student in violation, and assign sanctions appropriate to the nature of the behavior.

HEARING

If a sanction involves suspension or dismissal, a hearing in front of a neutral decision-maker will take place. The accountability officer and the student will each present information and the neutral decision-maker will have the opportunity to ask both parties questions. The neutral decision-maker will then make a decision on the findings and issue sanctions. The responding student may instead elect to waive their right to a hearing if they agree to the terms of the formal resolution issued by the accountability officer.

APPEAL WITHIN THREE BUSINESS DAYS OF DECISION

The responding student may submit an appeal of the sanctions imposed in a formal resolution within three business days of the decision date. Instructions on how to submit an appeal can be found in the formal resolution letter. The appeal must be based on one or more of the following bases:

- a. the respondent has evidence that was not reasonably available at the time the decision-maker imposed the sanction;
- b. the sanction resulted from a process that had procedural defects that resulted in the denial of fairness or due process; or
- c. the sanction is arbitrary and capricious

DOS REVIEWS FOR TIMELINESS AND ALLOWABLE BASIS

The dean of students, or their designee, will review the appeal for timeliness and whether it falls under the allowable reasons.

NOT TIMELY/ALLOWABLE, DECISION STANDS

If the appeal was not submitted within three business days or does not meet the criteria, then the dean of students or their designee will inform the student and the accountability officer's decision is final.

APEAL GRANTED

If the appeal meets the allowable basis, the associate dean of students will begin convening the Student Behavior Committee appeal panel.

SBC HEARING WITH ALL PARTIES

The appeal panel made up of members of the Student Behavior Committee may choose to hold a hearing with all parties to present evidence, witness statements, and respond to questions from the committee.

SBC HEARING WITH RESPONDING STUDENT

The appeal panel made up of members of the Student Behavior Committee may choose to hold a hearing with the responding student to hear their perspective and ask clarifying questions.

SBC PANEL MEMBER MEETING

The appeal panel made up of members of the Student Behavior Committee may choose to convene a meeting to determine the outcome of the sanction based on information provided by the Office of the Dean of Students and the responding student.

SBC ISSUES DECISION

Within three business days of the appeal panel meeting or hearing, the committee coordinator (associate dean of students) will notify the responding student of the outcome of the appeal. If the sanctions do not include suspension or dismissal, the decision is final.

FOR SUSPENSION/DISMISSAL CASES: ABLE TO SUBMIT A TIMELY & ALLOWABLE APPEAL TO THE VPSA

If a sanction includes suspension or dismissal, the responding student may submit an appeal to the Vice President for Student Affairs (VPSA) within two business days of the appeal panel's decision. Instructions on how to file an appeal will be included in the decision letter. The VPSA will review the appeal for timeliness and if it meets the allowable bases.

RECOMMEND SBC RECONSIDER DECISION & APPEAL

The Vice President for Student Affairs may remand the appeal back to the Student Behavior Committee and recommend that they reconsider the sanction and the original appeal. The associate dean of students will facilitate another meeting or hearing of the appeal panel.

GRANT APPEAL, REVOKE/MODIFY SANCTIONS

The Vice President for Student Affairs (VPSA) may grant the appeal if it is timely and is within the allowable bases. The VPSA may revoke or modify the sanctions issued by the appeal panel.

DENY APPEAL, DECISION FINAL

The Vice President for Student Affairs (VPSA) may deny the appeal if it is not timely or if it is not within the allowable basis and the appeal panel decision is final.