

The Student Conduct Process vs. the Criminal Process

The student conduct system is different from the criminal court system. Generally, the student conduct process involves a much more informal setting than the criminal court system where hearings are supportive and non-adversarial. While students may have a University support person during a hearing, another major difference between these two processes are that in the student conduct process, the student is expected to speak for themselves rather than have a representative speak on their behalf. However, while there are differences between these processes, they are not considered entirely mutually exclusive. In other words, a student may be arrested for criminal charges and also have charges brought against them for violating the Student Conduct Code.

The primary purpose of the student conduct process is to educate students while correcting behavior which does not meet the standards of the Furman University community. This does not mean that there will not be punitive sanctions from time to time. However, the ultimate goal of this system is to help students learn from their mistakes while helping them to understand the consequences of their actions as well as how their actions may have negatively impacted the campus community and its members. As a result, the terminology you will use will be somewhat different from the criminal process.

Criminal Process Terminology

Judicial
Law
Crime
Trial
Guilty/Not Guilty
Penalties

Student Conduct Process Terminology

Student Conduct
Student Conduct Code
Violation
Hearing
Responsible/Not Responsible
Sanctions

Due Process in the Student Conduct Process

The policies and procedures of the Student Conduct Board and Discipline Committee are designed to enable the panel to effectively identify the truth concerning student conduct cases brought before it and at the same time provide for the accused a guarantee of due process through a fair and impartial hearing. All panel members agree to adhere to the belief that minimal procedural constraints should be placed upon the actual hearing. As a result, panel members must agree to adhere to the statement found in the publication entitled *The College Student and the Courts*, relevant parts of which are presented below.

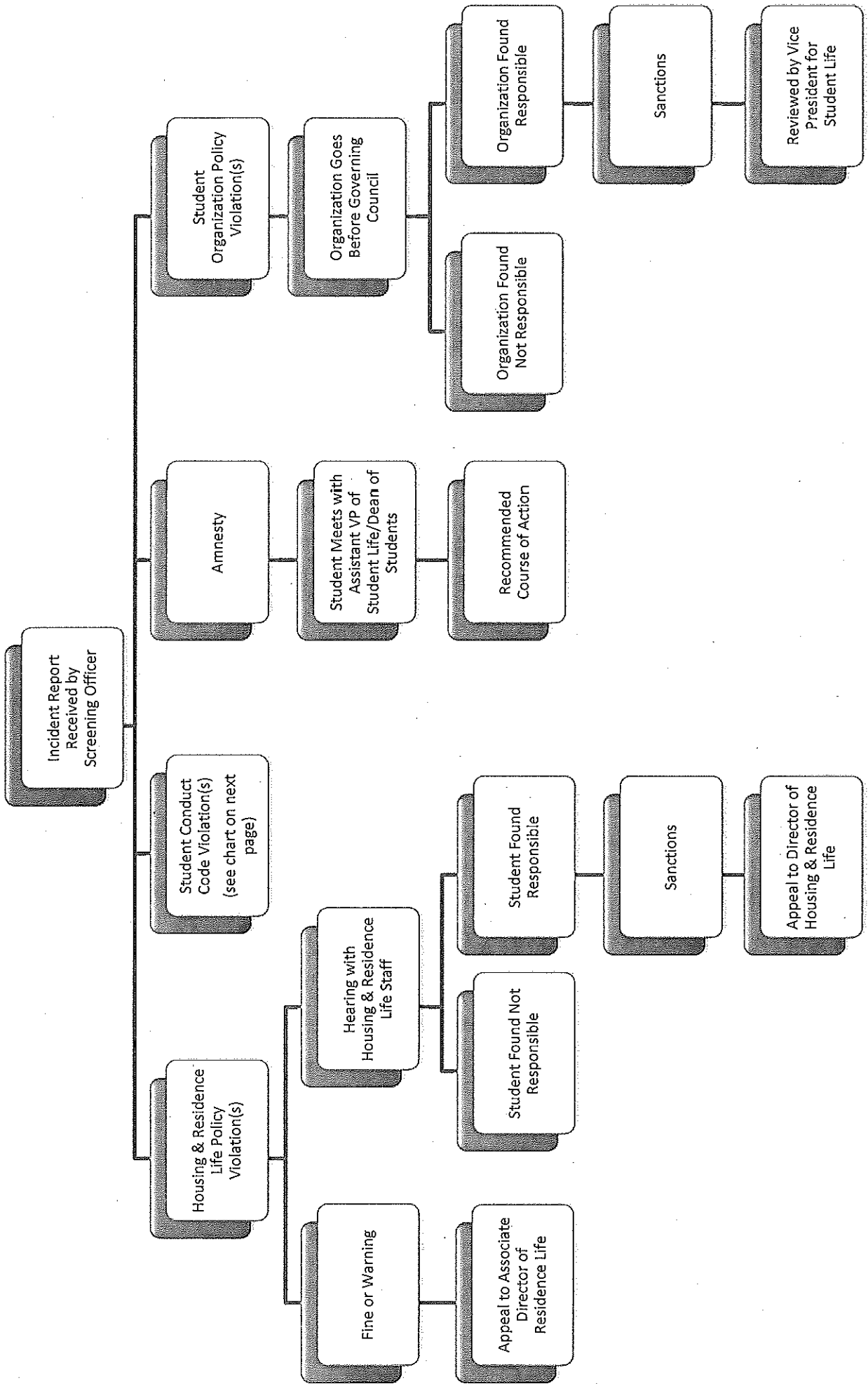
"... 'due process' unlike some legal rules is not a technical conception with a fixed content unrelated to time, place and circumstances. Three minimal requirements apply in cases of severe discipline, growing out of fundamental conception of fairness implicit in procedural due process. First, the student should be given adequate notice in writing of the specific ground or grounds and the nature of the evidence on which the disciplinary

proceedings are based. Second, the student should be given an opportunity for a hearing in which the disciplinary authority provides a fair opportunity for hearing of the student's position, explanations and evidence. The Third [sic] requirement is that no disciplinary action be taken on grounds which are not supported by any substantial evidence..."

At Furman University, the following due process is guaranteed to all students involved in the student conduct process:

- A student must receive a written notice of the alleged charges.
- A student must have time to examine the evidence (in this case the incident report of the alleged violation) and provide a response.
- A student must have an opportunity to provide his or her perspective on the events described in an incident report before an impartial decision maker/panel (i.e. Student Conduct Officer, Student Conduct Board, University Discipline Committee).
- A student must have the opportunity for a route of appeal.

Furman University Student Conduct Process
<http://www2.furman.edu/studentlife/studentlife/handbook>
 (rev. 8/12)



Furman University Student Conduct Process
<http://www2.furman.edu/studentlife/studentlife/handbook>
(rev. 8/12)

