

DRAFT STATEMENT ON DUE PROCESS IN CASES WHERE A SEVERE PENALTY SUCH  
AS EXPULSION, DISMISSAL, OR SUSPENSION IS CONTEMPLATED

(When a schedule of penalties or stipulation by the Administration precludes punishment as severe as some form of severance from the University. Less elaborate due process guarantees would be appropriate).

PREAMBLE

University procedures of due process should not be identical with those of the civil courts. Neither as a question of principle nor as a practical matter can the University community be required to develop within itself a professional and full-time judiciary of the model of the courts. Nevertheless in cases of disciplinary proceedings against students, standards of due process in the University should be such as to protect adequate the rights of student defendants. These guarantees should include:

- I. Composition of the Hearing Body.  
The hearing body, whether a committee or an individual, shall be impartial and independent. Its members shall not be selected by any party to a dispute. Either party shall have the right to make challenges for cause at the outset of a hearing.
- II. Right to Effective Counsel.  
Such Counsel shall be provided by the University upon request.
- III. Rights Prior to a Hearing.
  - A. A written copy of clear and specific charges provided within sufficient time to prepare an adequate defense.
  - B. Access to matter relevant to the case, in the possession of the University, including lists of witnesses and statements submitted to the hearing body and written reports made prior to the hearing.
- IV. Rights During a Hearing.
  - A. Open hearing (may be waived for all or part of the proceeding).
  - B. Presumption of innocence until such time as findings are announced.
  - C. Right to remain silent.
  - D. Right to be confronted by accusers.
  - E. Access to ex parte communications and other material submitted to the hearing
  - F. An accurate and complete transcript of each day's proceedings.
- V. Rights Subsequent to a Hearing.  
All findings and sentences adopted by the hearing body shall be accompanied by a written explanation of the basis for (a) sustaining or dismissing each charge, (b) the appropriateness of each penalty, and (c) rulings on all motions made before the hearing body; this explanation to be made available to the accused within an adequate time to prepare arguments for the authority having final jurisdiction. If the authority having final jurisdiction alters the recommendations of the hearing body, such changes shall also be accompanied by written explanation.
- VI. Protection of the Content of Speech.  
As set forth in the Academic Senate Resolution of December 8, 1964, there shall be no punishment under the above procedures for the "content of speech or advocacy" or "off campus student political activities."