




University Senate CHARGE

Date:	November 16, 2012
To:	Jason Speck Chair, Student Conduct Committee
From:	Martha Nell Smith  Chair, University Senate
Subject:	Review of the Evidentiary Standards in the Code of Student Conduct
Senate Document #:	12-13-30
Deadline:	March 29, 2013

The Senate Executive Committee (SEC) requests that the Student Conduct Committee reexamine the evidentiary standards in order to guarantee consistency throughout the University of Maryland Code of Student Conduct (V-1.00(B)). The Senate and President Loh approved the committee's recommendation (Senate Doc. No. 11-12-10 - Approved December 2011) to amend the Code to comply with the directives in the Department of Education's Office of Civil Rights' (OCR) "Dear Colleague Letter." This recommendation revised the burden of proof requirements to include "preponderance of the evidence" as the evidentiary standard in proceedings for complaints of sexual harassment. However, this change has created two different standards of evidence depending on the type of case. Therefore, the SEC requests that the Student Conduct Committee consider whether this differentiation within the Code is in the best interest of the University.

Specifically, we ask that you:

1. Review the University of Maryland Code of Student Conduct V-1.00(B).
2. Consult with a representative from the University's Office of Student Conduct.
3. Consult with the Senate Student Affairs Committee regarding the potential impact that any changes to the code would have on students at the University.
4. Review the standards of evidence in codes of student conduct at our peer institutions.
5. Consult with the University's Office of Legal Affairs.
6. If appropriate, recommend whether the University of Maryland Code of Student Conduct V-1.00(B) should be revised to make the standard of evidence for all cases consistent.

We ask that you submit your report and recommendations to the Senate Office no later than March 29, 2013. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.