

## EXHIBIT B

Answers to Questions from the Violence Against Women Task Force Meeting, Submitted by:

### **Karen Dlhosh, F.I.U., Director of Judicial and Mediation Services**

#### **If there are criminal procedures, at what point does JMS get involved?**

Our student judicial process does not get involved in criminal procedures unless the staff or records are subpoenaed by a court of law. Our student judicial process does not wait for the outcome from a court of law; it will proceed according to our procedures. Cases involving pending criminal charges may cause a delay in receipt of complete reports from University Police or other law enforcement agencies. Our student judicial process is separate from any criminal process.

#### **What is the burden of proof (re: JMS)?**

The FIU Student Handbook states,

##### **‘BURDEN OF PROOF :**

- (a) The burden of proof at a first-level hearing always rests with the University, and the standard of proof will be the preponderance of the evidence.
- (b) The burden of proof at the appellate level rests with the charged student to clearly show that an error has occurred during the first-level hearing process.”

The term “preponderance of evidence” means that evidence, considered as a whole, indicates the fact sought to be proved is more probable than not. The standard used in hearing all disciplinary cases within this Student Conduct Code is “preponderance of evidence”.

#### **Can JMS information be obtained for the purpose of outside proceedings?**

Yes, copies of records will be provided in accordance with federal (FERPA) and state laws regarding the privacy of educational records and University policy.

#### **What are the possible sanctions?**

See the FIU Student Handbook ‘**SANCTIONS**’

#### **Are victims given any protections subsequent to the hearings?**

See the FIU Student Handbook ‘**VICTIMS’ RIGHTS**’

In addition, victims are referred to the Victim Advocacy Center for safety planning, support and assistance throughout the student judicial process. The Victim Advocacy Center may work with departments and staff on campus to assist victims in requesting various accommodations such as change in housing assignment, etc.

### **Who comprises the panels that hear the complaints?**

The FIU Student Handbook states, “Students and student organizations (including Greek organizations) charged through the Office of Judicial and Mediation Services may choose from the following hearing forums:

1. *Summary Resolution* - This hearing is informal and conducted by the Director for Judicial and Mediation Services or designee. This hearing is for the student who chooses to accept responsibility for his/her actions and accepts the charge(s) as presented.
2. *Administrative Hearing* - This hearing is formal, and conducted by the Director for Judicial and Mediation Services or designee.
3. *University Judicial Committee Hearing* - This hearing is formal. The Committee is composed of two students and one faculty or staff member, and the Director for Judicial and Mediation Services (or designee) in a non-voting capacity. “

### **How long does an individual serve on the Judicial panel?**

For as long as the student is enrolled and is in good academic and judicial standing or as long as the faculty and/or staff member is employed by the University.

### **How were Student Code of Conduct Policies and Procedures developed at FIU?**

The Student Code was developed as a result of the review of student codes from other State University System institutions; model student codes from experts in the field of student judicial affairs; guidelines from the Association of Student Judicial Affairs; and in accordance with the required guidelines established by the former Board of Regents which apply to all State University System student judicial programs. The Student Code is annually reviewed in accordance with the policies and procedures from the Board of Regents, Board of Trustees and the University.

### **How do you accommodate students who are disabled?**

The FIU Student Handbook states,

#### **“AUXILIARY AIDS AND SERVICES:**

Students with disabilities as defined by the Americans with Disabilities Act requiring special accommodations should notify the Office of Judicial and Mediation Services and the Office of Disability Services for Students in writing at least five (5) calendar days prior to the hearing.”

### **Are the orientations to the student code mandatory?**

First year students are required to attend an orientation session during the summer. During the orientation session the Student Code of Standards and the Student Code of Conduct are discussed. In addition, the Student Handbook, which includes the Student Code of Conduct, is distributed to the students who attend.

Transfer students are not required to attend orientation, however the Student Handbook is made available at Information Tables during the first week of classes and it is posted on line at the JMS web site.

Students residing in on-campus housing are also informed about the Student Code of Conduct via floor meetings conducted by Residential Life staff in the residence halls at the beginning of each semester.

In addition, the JMS office conducts numerous presentations regarding the Student Code of Conduct to First Year Experience Classes throughout the year.