

*This document replaces/supersedes the **Disciplinary, Grievance and Appeals Processes** found on pages 55 through 61 of the current Student Handbook 2007-2009*

DISCIPLINARY, GRIEVANCE AND APPEALS PROCESS

The well-being of a community can be challenged by the misconduct of its members. Whether minor or major, these challenges cannot be disregarded if all members of the community are to feel respected, safe, and secure. Therefore, the student disciplinary process is an integral part of our academic community. Consistent regulations, policies, procedures, and their enforcement are necessary ingredients in a community where students will live and learn successfully.

Disciplinary authority for all non-academic matters is vested in the Office of Student Affairs. This authority is usually delegated to the Associate Dean of Students who serves as the Judicial Administrator and, in the case of routine residence hall infractions, to the Resident Directors through the Director of Residence Life. In more serious or unusual cases of misconduct, the Associate Dean may convene, and delegate authority to, the Judicial Council.

In all disciplinary cases, principles of due process will prevail. Due process requires that students be informed of the nature of the charges against them; that they be given an opportunity to refute the charges; that the College not be arbitrary in its actions or decisions; and that there be provision for appeal of the decision.

In the maintenance of its academic, social, and health standards, the College reserves the right to be the sole judge as to whether a student should be suspended, expelled, granted a leave of absence or otherwise sanctioned. A student suspended, expelled, or dismissed from the College or Residence Halls is responsible for full payment of her/his financial charges for the semester, unless otherwise informed.

College staff, including student staff, has an obligation to make disciplinary referrals in all cases that warrant them. This is not discretionary. Staff members are also required to report any unusual or illegal behavior they observe. Any student who has a concern about the job performance of any College staff member may speak confidentially with any Student Affairs administrator.

Disciplinary cases and their outcomes, including any subsequent sanctions or penalties, are recorded in the Office of Student Affairs.

STUDENT CODE OF CONDUCT

College discipline under this code applies to misconduct which adversely affects the College's pursuit of its educational objectives or interferes with the personal rights of any member of the College community. The Code governs all activities on the College premises and at College functions both on and off campus as well as certain off campus behavior.

Specific behaviors that violate the Student Code of Conduct include, but are not limited to the following:

- a) Violations of any College Policy Statement as presented in the “Policies and Procedures” section of this Handbook or any other appropriately disseminated policy.
- b) Violations of the Room and Board contract, and all other policies set forth in the “Residence Life” and the “Safety and the Student’s Responsibilities” section of this Handbook or promulgated through approved methods between printings of the Student Handbook.
- c) Repeated, excessive noise or disruptions or any other action which creates substantial disruption of, or material interference with the operation of the College, or causes the best interests of the College and/or the students to be compromised.
- d) Violations of regulations governing College sponsored social functions.
- e) Physical abuse (real or potential, intentional or irresponsible) of any person, including date rape and sexual assault.
- f) Verbal abuse.
- g) Verbal, physical or non-verbal harassment, or threatening, including sexual harassment.
- h) Damage to or theft of any property.
- i) Illegal duplication of keys or illegal or unauthorized entry or facilitating illegal entry into any campus dwelling, building, office or facility.
- j) The possession or use of any weapons, firearms, explosives, fireworks or combustibles.
- k) The misuse of fire equipment or turning in a false alarm by any nature.
- l) Failure to directly evacuate any building in which a fire alarm is sounding.
- m) Failure to comply with the directives of College officials acting in performance of their duties
- n) Misuse of College ID or failure to produce a College ID when requested by an authorized official of the College or misuse of status as a student to engage in any unlawful activity.
- o) Any unsafe use of a vehicle on the campus.
- p) Throwing objects out of windows or from roofs.
- q) Unauthorized gambling.
- r) Acts considered criminal under federal, state or local laws.
- s) Misuse of the College’s Internet access, e-mail or campus computing facilities.
- t) Bringing pets or animals of any kind into a residence hall or campus building except where permitted by law or having an unleashed dog anywhere on the campus.

- u) Violations of any policies by a student's guest anywhere on campus (i.e. a student is always responsible for the behavior of his/her guest anywhere on campus).
- v) The use of vulgar or aggressively offensive chants or signs.
- w) Knowingly furnishing false information to the College, particularly in an investigation or hearing or refusing to cooperate or interfering with same.
- x) Self harm or threat of self harm.

THE ADJUDICATION PROCESS

The Referral

Any member of the College community can report an alleged violation to the Office of Student Affairs, which determines whether it should be investigated for possible adjudication or set aside. If the alleged violation is not set aside by the Office of Student Affairs, the accused student will receive notification of the commencement of the judicial process.

If, due to the nature of the allegation (see introduction to this section), the Office of Student Affairs determines that a Resident Director should follow up on the report, she/he will contact the student(s) involved, meet with her/him/them, and determine the best outcome for everyone involved.

Students alleged to have committed violations that are deemed more serious will participate in a formal judicial process. The Judicial Administrator (i.e., Associate Dean of Students) shall determine whether to adjudicate the case her/himself or to refer it to the Judicial Council. Whatever this determination, the process remains the same.

The Pre-Hearing

The complainant shall submit to the Judicial Administrator a written complaint, a list of all witnesses, all witnesses' written statements, and related documents or evidence.

Upon receipt of notice from the Judicial Administrator, a student is required to contact the Judicial Administrator with 48 hours to schedule a Pre-Hearing.

The Judicial Administrator shall conduct a pre-hearing with the accused student.

During the pre-hearing:

- a. The Judicial Administrator reviews with the accused student both a written statement of all the charges against her/him and the procedures for the adjudication of accusations, including the possible imposition of sanctions and the possible bases for any appeal.
- b. The accused student enters a plea of "guilty" or "not guilty."
- c. The accused student makes any statements written or oral relevant to the case, identifies possible witnesses, and receives and chooses among hearing date options.

The accused student who pleads guilty shall have the opportunity to address the Judicial Administrator on sanctions at the pre-hearing before such sanctions are imposed.

The accused student who pleads not guilty must appear at the Judicial Hearing, whether conducted by the Judicial Administrator alone or by the Judicial Council. However, at the pre-hearing an accused student may waive the right to additional time and request that the Judicial Administrator proceed immediately with the hearing.

An accused student who fails to contact the Judicial Administrator to schedule a pre-hearing or fails to appear for the pre-hearing without prior notice waives the opportunity for the pre-hearing and will receive notice of the date and time of her/his Judicial Hearing.

Judicial Hearing

Each accused shall have a fair and timely Judicial Hearing, i.e., the Judicial Hearing will be scheduled such that the timing does not seriously deleteriously affect the student's ability to fulfill her/his academic obligations at the College and such that the accused has a reasonable amount of time to prepare her/his case.

After having received notice, an accused student must appear at the Judicial Hearing. If an accused student fails to appear at the Judicial Hearing, the Judicial Administrator shall review all available evidence, determine a finding of guilt or innocence based on that evidence, and in the case of a finding of guilty, impose appropriate sanctions.

The Judicial Hearing is a formal process. The complainant(s) may be asked to appear in order to bear witness to her/his/their written complaint. Witnesses may be called to testify by the complainant, by the accused student and/or by the Judicial Administrator; however, the Judicial Administrator may reasonably limit the number of witnesses.

Whenever possible, the accused student shall have the right to hear or read all evidence presented at the Judicial Hearing.

The accused student shall have the opportunity to refute or respond to all charges and all evidence and to call a reasonable number of witnesses on her/his behalf or to submit their statements. However, the accused does not have the right to receive copies of such statements or evidence. The accused does not have the right to confront or cross-examine witnesses. And under rare circumstances, the Judicial Administrator may determine that the identity of certain witnesses should be withheld.

The accused may choose to be accompanied to the Judicial Hearing by an advisor of his/her choice. In keeping with the educational goals of the College, the advisor shall be a member of the College community or a parent/close relative. Lawyers are not permitted to be present at the hearing. The advisor may advise the accused during the hearing. However, the advisor may not address the Judicial Council or Judicial Administrator during the course of the proceedings, question witnesses, or participate directly in the hearing proceedings.

If at any time, a party is found to be falsifying information or fails to appear before the council, s/he will be charged with violation of the College Code of Conduct (under items M or W). In all but very rare instances, and at the sole discretion of the Judicial Administrator, the complainant, accused, and all witnesses will be called and spoken to individually to give their testimony and will then be excused. In all hearings involving more than one accused student, the Judicial Administrator will meet with each student separately.

Composition of the Judicial Council

The Judicial Council consists of the Chief Justice (an elected member of Student Government), a member of the faculty, and one other member of Student Government.

The College's Judicial Administrator (i.e., Associate Dean of Students) is not a member of the Judicial Council but is present throughout the proceedings, serves as advisor to the Chief Justice and the Judicial Council, and is responsible for ensuring that both standard College procedures and policy are followed.

An accused may request that a member of the Judicial Council recuse her/himself from the case for cause; however, in the event of a disagreement about such a request, the final determination shall be made by the Judicial Administrator. A member of the Judicial Council may also recuse her/himself from the case for any cause. In either case, an appropriate substitution will be made by the Judicial Administrator.

The Determination

Whether the Judicial Hearing is conducted by the Judicial Administrator or by the Judicial Council, the decision is not delivered at the Hearing. All evidence is reviewed and any deliberations take place in private.

In the case of the Judicial Council, a vote is taken. An accused is found innocent or guilty by majority vote. The Judicial Administrator is present for all deliberations but does not vote. In cases in which the accused is found guilty, the Judicial Council discusses possible sanctions and may choose to recommend sanctions to the Judicial Administrator.

The Judicial Administrator retains a written record of all charges, plea, statements, tape recordings, decisions, and recommendation(s) of the Judicial Council regarding sanction(s).

As soon as possible after the Judicial Hearing, the Judicial Administrator determines sanctions in all cases in which the accused is found guilty. The Judicial Administrator may consider prior disciplinary history and, under rare circumstances, may request additional advisory deliberation on the part of the Judicial Council before the imposition of sanctions. The Judicial Administrator notifies the student in writing (to campus and home addresses with a copy by email).

Possible Sanctions

The following sanctions are typical of what may be imposed. The results of disciplinary action are recorded in the Office of Student Affairs **and may be communicated to a student's parents if the student is a dependent.**

- **Written Warning** may be given in cases where the infraction is minor or a first offense.
- **Monetary Fine and/or Restitution** may be associated with regulations and/or damage to property.
- **Work Assignment/Research Project** may be required when it more adequately fits the nature of the offense.
- **Evaluation and Counseling** may be required when the infraction is alcohol or violence related.

- **Probation** may be imposed for a specific period of time in cases of serious misconduct when suspension or expulsion are not warranted. A student on probation may not represent the College in any intercollegiate sports competition, may not hold any elected or appointed office on the campus and may in some cases be banned from attendance at or participation in organized social functions or sports activities on the campus during this period. Other specific restrictions may be added as conditions of probation in individual cases.
- **Suspension from Residence Life** may be imposed when there is reason to believe that a student will continue to have a disruptive influence on the residential community unless or until certain conditions are met (e.g. receipt of counseling, rehabilitation, or resolution of a dispute) or when a student has seriously abused his/her privilege of residency. Readmission is usually at the discretion of the Vice President for Student Affairs in conjunction with the Director of Residence Life.
- **Expulsion from Residence Life** may be imposed when there is reason to believe that a student will continue to have a disruptive influence on the residential community and there is no reason to believe the situation will change, or when violations are so severe that they merit permanent removal of the privilege of residency.
- **Suspension from the College** may be imposed when there is reason to believe that a student will continue to have a disruptive influence on the College community unless or until certain conditions are met (e.g. receipt of counseling, rehabilitation or resolution of dispute) or when the nature of the violation is so serious that severe punitive measures are in order. Re-admission is usually at the discretion of the Vice President for Student Affairs in conjunction with the Vice President for Admissions and Financial Aid.
- **Expulsion from the College** may be imposed when there is reason to believe that a student will continue to have a disruptive influence on the College community and/or when the nature of the violation is so serious that permanent removal from the College community is in order. **A student who is expelled cannot be re-admitted to the College and remains financially liable for all expenses incurred up to and including those within the semester in which the infraction occurred. A record of the expulsion is entered and remains on the student's transcript.**

Appeals

Students have the right to appeal a guilty verdict whether it has been decided by the Judicial Administrator or the Judicial Council. They also have the right to appeal sanctions, whether imposed by the Resident Director in the less formal process used for less serious accusations or by the Judicial Administrator after a Judicial Hearing.

Any appeal of either a verdict or sanction(s) or both must be submitted in writing, including a detailed explanation of the basis for the appeal, no more than five (5) business days after receipt of a decision.

Any appeal must be based upon at least one of three issues:

- + Procedures were improperly followed
- + New evidence has come to light that will substantially alter the

- understanding of the case
- + The sanction imposed is not consistent with those imposed for past similar infractions that occurred under similar circumstances

In a case handled by a Resident Director, the student may appeal to the Director of Residence Life. In a case handled by the Judicial Administrator, the student may appeal to the Vice President for Student Affairs.

AUTHORITY OF THE VICE PRESIDENT FOR STUDENT AFFAIRS

Nothing in this section of the Handbook shall prevent the Vice President for Student Affairs from imposing limitations on a student's on-campus activity, suspending or otherwise sanctioning any student, pending the outcome of appropriate hearings or appeals if, in the judgment of the Vice President the student poses a threat to the rights of any member of the community to conduct his or her business in safety and comfort, or if the student presents a threat to the health and/or safety of any member of the College community, including the student him/herself.

ACADEMIC GRIEVANCES

Please contact the Office of the Dean of the Undergraduate College.

Approved and Effective August. 2008