

The following changes (in red) indicate a change to the current Student Handbook. At times, changes need to occur during the academic year and need to be made to the online version of the handbook. As a new handbook is revised and printed in the upcoming summer, these changes will be reflected in the main document. The changes and content below should be substituted for the matching sections found on pages 25-28 in the 2009-10 Student Handbook.

CONDUCT PROCEDURES

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The judicial process is based upon the assumption that disciplinary procedures, when required, should be an educational experience. Sanctions are imposed to help students develop a sense of personal responsibility, to encourage self-discipline, to foster healthy choices, to promote respect for the rights of others, as well as to protect the rights, freedoms, and safety of the entire campus community.

The Office of Student Affairs is responsible for the implementation of the student conduct and disciplinary system at the College. The Vice President for Student Affairs/Dean of Students is empowered by the President to administer the College's disciplinary system. He/She may designate other department(s) and/or campus official(s) in monitoring and regulating the Code of Conduct as he/she deems appropriate. There is also a Community Accountability Board ("CAB") that is comprised of students, faculty and staff that, when appropriate, can be used to hear cases and make disciplinary decisions. The Board is explained further in the section below entitled Community Accountability Board.

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At times, the Vice President for Student Affairs / Dean of Students may immediately intervene and administer the disciplinary process directly through his/her office or his/her designee(s). This may include, per the discretion of the Vice President, a choice of various disciplinary processes or procedures deemed best suited to meet the educational needs of the student(s) involved and the interests of the college community.

During certain periods of the academic year, such as the summer sessions and during the beginning/ending weeks of the fall/spring semesters, a more expedited process may be applied. Also, during summer and break periods, stricter standards of behavior may be applied to those given special permission to remain on campus for extended stays. These periods are usually those that fall outside of the normal fall/spring academic semesters.

PROCEEDINGS

Proceedings conducted pursuant to this code shall be fair and expeditious. Except where expressly adopted by this code, the procedures of criminal and civil courts shall not govern disciplinary proceedings. In these proceedings, formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures invalidate a proceeding or decision unless significant prejudice to an accused student or to the College may result. In any hearing or disciplinary conference, the party bringing the complaint shall bear the burden of establishing by a consideration of the totality of evidence that, more likely than not, a violation of the code has occurred.

The student does not have a right to representation by legal counsel at any hearing. Students who have concurrent criminal charges pending against them are permitted to consult with counsel during their disciplinary hearing, although the role of counsel is limited to consultation only. Other advisors, such as parents, faculty mentors or other associates of the student, are allowed in the investigatory and discipline proceedings ONLY at the sole discretion of the College. This may be allowed if the College believes it will increase the educational value of the meeting. If allowed, the guest's role will be one of consultation, not of advocacy.

The procedures described below are intended to clarify the normal chain of events that follow an alleged violation of the College's Code of Conduct. At his/her discretion, the VP/Dean of Students, or his/her designee, reserves the right to suspend any student immediately until such time as a disciplinary hearing may be conducted.

REPORTING MISCONDUCT

The judicial process is initiated when a Resident Assistant, Area Coordinator, Public Safety Officer, or any other member of the College community files a report of inappropriate behavior.

PROMPT NOTICE

Students accused of violating the College's standards of conduct shall, in good faith, be given prompt notice of possible offense(s). This will usually occur after a fact-finding investigation has occurred. The person alleged to have violated college policy, and possibly others with needed information, may be required to attend any investigative or discipline hearing involving the matter. This will occur in a meeting with the appropriate adjudicatory body or person.

WARNINGS

Students are expected to read and follow the policies within the Student Handbook. This serves as the student's first warning regarding school policies. Students, then, should not expect additional warnings to be given before sanctions are levied. Nevertheless, it will sometimes be the case that for some first-time minor infractions, verbal or written warnings will be issued before any additional sanctions are levied.

COLLEGE RESIDENCES

In most matters of discipline pertaining to individual or group misconduct within the College's residence halls, the Residence Life staff is immediately responsible for the communication and enforcement of regulations. The authority and responsibility of the Residence Life staff extends to all other areas of campus and College-sponsored events, and potentially some off-campus behavior. Incidents that occur in a residence hall are most likely reviewed by a member of the Residence Life Staff and/or the Associate Dean

of Students who will function as the Hearing Officer. When appropriate, incidents may be referred to the VP/Dean of Students.

FIRST-TIME VIOLATIONS

Judicial Flow Chart for first-time violations

1. An Area Coordinator, Resident Director or Director of Residence Life will most likely function as the Hearing Officer and adjudicate first-time and/or lower-level violations. In matters involving upper-level violations, other designated officials within the Student Affairs Office will be immediately responsible for the communication and enforcement of regulations.
2. After receiving a documentation report, the Hearing Officer will conduct a fact-finding investigation and talk to the parties deemed necessary. He/she will then meet and conduct a disciplinary hearing with the student alleged to have violated college policy.
3. At the disciplinary hearing, the student will take responsibility or not take responsibility for the alleged violation of the Code of Non-Academic Conduct. If the student takes responsibility, the Hearing Officer will levy sanctions. If the student does not take responsibility, the decision may or may not be referred to another adjudicatory body or person, or a decision may be made by the original Hearing Officer, depending on the situation. If a decision is made by the original Hearing Officer with whom the student disagrees, an appeal to a designated appeal hearing officer may be made.
4. If a decision is made in the original hearing, the Hearing Officer will then communicate to the student what sanctions, if any, have been levied.

REPEAT AND UPPER-LEVEL VIOLATIONS

Normally, in matters involving repeat violations and upper-level violations, higher-level, designated officials within the Office of Student Affairs will be immediately responsible for the communication and enforcement of regulations. Assignment of hearings to specific individual hearing officers is done solely at the discretion of the Vice President for Student Affairs /Dean of Students and/or his/her designee. Cases may also, in certain situations, be heard by the Community Accountability Board, based on such items as the level of policy violation, student choice, and/or recommendation of the investigating staff member.

Judicial Flow Chart for Repeat and Upper-Level Violations

1. After receiving a documentation report, a Hearing Officer will be able to review the student's files to verify any prior discipline. If the student is involved in a first-time or other lower-level violation, the Hearing Officer will adjudicate the

matter. If it is a more serious or higher-level violation, then the hearing may be conducted by a higher-level Hearing Officer within the Office of Student Affairs or could possibly be referred to the Community Accountability Board (“CAB”) depending on the circumstances.

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2. Appeal Process: If a student wishes to appeal the findings of the Hearing Officer or the CAB he/she must submit the appeal in writing to the designated appeal hearing officer within forty-eight (48) hours of the original decision. Appeals can only be made in cases where the decision results in a sanction that is higher than Level One. Appeals will only be considered:
 - To determine whether the original hearing was conducted in a fair manner and in conformity with procedures;
 - To determine the appropriateness of the sanctions with regard to the violation;
 - To consider new information that was not available for the original hearing but that could be sufficient enough to alter a decision.

COMMUNITY ACCOUNTABILITY BOARD

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The Community Accountability Board (“CAB”) is empowered by the Vice President for Student Affairs/Dean of Students (“VP for SA”) with the responsibility for the fair and impartial adjudication of disciplinary matters referred to it. The purpose of the CAB is to act as the representative community in its response to violations of community norms and expectations. Its purpose, like that of the entire discipline system of the College, is primarily educational, and while the logical consequences of poor choices will be met with appropriate sanctions and consequences, the CAB is primarily designed to impact favorably on a student’s future choices. Students, faculty, staff and a Chair of the Board will comprise the membership of the CAB. Board members will be selected on an annual basis. Normally, a Board conducting a hearing will include 1 Chair of the Board, 4 students, 1 Resident Assistant, 1 faculty member, and 1 staff member. All sanctions as listed in the current Student Handbook are available to the CAB, along with any discretionary sanctions deemed appropriate by the CAB to help the respondent understand more fully the consequences of his/her conduct. Complete details and procedures concerning the CAB are available from the Office of Student Affairs.