

# Disciplinary Process

## REPORTING AN INCIDENT

The College, itself, and members of the College Community should report violations of College rules, regulations, or policies to the Office of Security and Safety at the time they are observed. Details of the incident or complaint should be reported as outlined below on an Incident Report. The form requires the following information:

- Date, time and location of incident
- Nature of incident
- Individual(s) involved
- Witnesses
- Description of incident
- Immediate action taken
- Signature of person filing the report and the date

The College community encourages the reporting of sex discrimination and Student Code of Conduct violations. Sometimes, victims are hesitant to report to College officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering victims of sex discrimination and sexual misconduct limited immunity from being charged with policy violations related to the particular incident. While violations to policy cannot be completely overlooked, the College will provide educational options rather than punishment, in such cases.

## GOOD SAMARITAN

The welfare of students in our community is of paramount importance. At times, students on and off-campus may need assistance. The College encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a victim of sexual misconduct to the Office of Safety and Security). The College pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

## ADMINISTRATIVE CONFERENCE

The Vice President of Student Services will designate one or more College officers to conduct an investigation of the alleged incident and to hold an administrative conference with each student involved. The administrative conference procedures are as follows:

- The student will be notified that his/her name is mentioned in an incident report.
- A summary of the specific violations will be presented to the student and the student will be given the opportunity to admit to or deny any alleged violations of College rules, regulations, or policies.

- The conference may result in the charges being disposed of administratively by mutual consent of the parties involved. In these situations, the disposition shall be final and there will be no subsequent proceedings. It is expected that most issues will be resolved informally.
- If the student admits to the violation, a sanction will be issued at this time.
- If the student is believed to be responsible but does not accept responsibility, a Judicial Board Hearing will be scheduled.
- An administrative conference will be held and sanctions issued even if the student fails to attend after two notifications.

In situations where the allegations are significant in nature, at the discretion of the Vice President of Student Services, the case may be immediately moved to the pre-board review level to commence judicial board action.

## INTERIM SUSPENSIONS

The Vice President of Student Services or designee may impose an interim suspension prior to a hearing before the Judicial Board. Interim suspension may be imposed only to ensure the safety and well-being of members of the College community or preservation of College property, to ensure the student's own physical or emotional safety and wellbeing, or if the student poses a definite threat of disruption of or interference with the normal operations of the College.

During the interim suspension, students will be denied access to the College, including classes and all other activities or privileges for which the student might otherwise be eligible. In such cases, the necessary notice and hearing shall follow as soon as is practical.

## PRE-BOARD REVIEW

The Vice President of Student Services will designate a hearing Officer to meet with both the accused and complainant students to explain the judicial process and the students' rights and responsibilities. The role of the pre-board review is not to determine accountability, but to assist the student in understanding the hearing process. A student is responsible for participating in the Judicial Board Hearing regardless of whether he or she elects to participate in the pre-board review. As part of the pre-board review, the following processes will occur:

- All charges shall be presented to the accused student in written form.
- A time shall be set for a hearing, not less than five or more than fifteen business days after notification of the parties involved. Both the complainant and the accused student will be notified of the date, time, and location of the judicial board hearing. Maximum time limits for scheduling of the hearing may be extended at the discretion of the Vice President of Student Services.
- The complainant and the accused student will have a maximum of two school days post the pre-board review to submit in writing the names of any witnesses. It is the participants' responsibility to notify approved witnesses of the date, time and location of the hearing.

## JUDICIAL BOARD HEARING

A Judicial Board Hearing is an internal review of the alleged violation(s) of College rules and/or regulations. Its purpose is to determine if violations have occurred. Judicial Board Hearings are held and sanctions issued whether or not the accused and/or the complainant attend.

The Judicial Board will be appointed by the Vice President of Student Services and will consist of ten members: four faculty members, two administrative employees, and four students. One alternate member of each group shall also be appointed. To conduct a hearing, three faculty members, one administrative employee, and two students must be present.

A designee of the Vice President of Student Services will serve as the Hearing Officer and will preside over the hearing. The Hearing Officer will also serve as a resource to the Judicial Board during the deliberation process. The Hearing Officer will review the case with the Judicial Board; will introduce witnesses; will direct the proceeding; will make certain that all relevant materials are reviewed and that non-relevant material is not introduced; and ensure that both the accused and the accuser will have ample opportunity to present the facts of the incident in their own words to the Judicial Board members.

The Judicial Board will assume responsibility for its procedural operation and will conduct hearings according to the following guidelines:

1. Hearings shall be conducted in private.
2. Both the Accused and Complainant will have freedom of harassment from each other and/or their supporters.
3. In cases of sexual assault or other violations of a highly sensitive nature, every effort will be taken to allow both the accused and the accuser the right to question without direct visual contact during the hearing. Freedom from having irrelevant sexual history discussed during the hearing will be granted to both the complainant and accused.
4. Admission of any person to the hearing shall be at the discretion of the chairperson of the Judicial Board.
5. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused student are responsible for presenting his or her own case, and therefore, advisors are not permitted to speak or to participate directly in the hearing.
6. The complainant, the accused, and the Judicial Board shall have the privilege of presenting witnesses, and shall have the opportunity to suggest questions for the cross examination.
7. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the Judicial Board at the discretion of the Hearing Officer.
8. There shall be a single verbatim record of the hearing, such as a tape recording. Only College judicial affairs staff may record judicial meetings or proceedings. No other recordings are permitted. The record shall be the property of the College.
9. Except in the case of a student charged with failing to obey the summons of the judicial body or College official, no student may be found to have violated the Student Code solely because the student failed to appear for the hearing. In all cases, the information in support of the charges shall be presented and considered at the hearing.
10. All procedural questions are subject to the discretion of the Hearing Officer.
11. After the hearing, the judicial board shall meet in closed session to determine by majority vote, whether the student has violated each section of the Student Code of Conduct that the student is charged with violating and will issue the appropriate sanction(s).
12. The Judicial Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
13. Judicial Board decisions shall be communicated in writing to the students within five (5) business days with a copy submitted to the Office of the Vice President of Student Services for his or her information.