Non-Academic Disciplinary Procedures

Adopted April 26, 2005
Revised October 2011

I. General Provisions

A. Purpose
The university Non-Academic Disciplinary Procedures are designed to facilitate fact-finding and to review incidents involving violations of the University Student Code of Conduct. It is not intended to create an adversarial court-like proceeding.

B. Disciplinary Authority
1. Disciplinary authority is vested in the Senior Vice President for Student Services as the designee of the President of the university.

2. The Non-Academic Disciplinary Procedures are administered by the Office of Student Rights and Responsibilities. The Office's responsibility is to ensure the fair and dutiful administration of the disciplinary process in the review of incidents involving violations of the Student Code of Conduct.

C. Violation of Law/Off Campus Conduct
1. Students of the university are subject to local, state, and federal laws. As a general rule, the university will not institute disciplinary procedures when a student of the university has been charged, off-campus, with a violation of a local, state, or federal law. The university, however, reserves the right to invoke its disciplinary procedures.

2. Students are subject to reasonable disciplinary action deemed appropriate, including suspension and expulsion, for breach of federal, state, or local laws or university rules or regulations off campus when such conduct is likely to have an adverse effect on the university, on the educational process, or affects the student's suitability as a member of the academic community.

II. University Sanctions

The university is committed to providing an environment where sensitivity, tolerance, and respect are sustained for members of the university community and its neighbors. Imposed sanctions are intended to facilitate these goals. While they may initially be perceived as authoritative or punitive, their purpose is to promote an environment in which good citizenship can flourish among and between students and other members of the university community.

A. General Provisions
1. The sanctions listed below are recognized by the university in holding students accountable for violations of the Student Code of Conduct. It is understood that previous violations may be considered in determining sanctions.

2. Students are held responsible for the actions of their guests while on campus. Sanctions may be issued to the host when a guest is not a student of the university.

3. Students are strongly advised and encouraged to consult with the Student Ombuds for a neutral and confidential appraisal of their rights and responsibilities under the Student Code of Conduct and the Non-Academic Disciplinary Procedures.

4. Failure to comply with imposed sanctions subjects the student to further disciplinary action.

B. Immediate Suspension Authority
1. EMERGENCY SUSPENSION
The President of the university, or an university officer authorized by the President, may impose upon a student an immediate emergency suspension when, in the judgment of the President, such action appears necessary for reasons relating to a student's physical or emotional safety and well-being, for reasons relating to the safety and well-being of members of the university community, or to prevent damage or theft of university property.

2. INTERIM SUSPENSION
The President of the university, or an university officer authorized by the President, may impose upon a student an immediate interim suspension when, in the judgment of the President, such action appears necessary to deal with a continuing disturbance by a student(s) or, interference by a student(s) with any university activity or with the free movement of any member of the university community.

3. SCOPE OF SUSPENSION
Emergency or interim suspension may be an academic suspension, in which case the student has no right to attend classes, to take exams, or to receive grades. Suspension may also apply to other student privileges including residing in university Residence Halls, attendance at and participation in university functions, admission to university premises, or any combination of the above, unless the student's presence or participation is explicitly authorized by the President or the President's designee. Suspension does not constitute termination of the student's matriculation in the university.

4. DURATION OF SUSPENSION

Interim or emergency suspension may remain in effect until the Disciplinary Review Panel has taken action with regard to the student. However, the suspension may be lifted earlier by action of the President or the President's designee.

5. EXPEDITED HEARING
A student suspended under the interim or emergency authority may request an expedited hearing before the Disciplinary Review Panel. The panel shall schedule a hearing within forty-eight (48) hours of the request or as soon thereafter as possible.

C. Sanctions
1. ORAL WARNING
Verbal notification to the student that repetition of the wrongful conduct may be cause for more severe sanctions, and a clear instruction to desist.

2. WRITTEN WARNING
Written notification to the student that continuation or repetition of the wrongful conduct may be cause for more severe disciplinary action within the period of time stated. A copy of the written warning letter will be placed in the student's file.

3. FINES
Sum to be paid by the student to the university or another specified body. Failure to do so will result in the withholding of a student's transcript and/or denial of either graduation or continued enrollment at the university.

4. RESTITUTION
Reimbursement for damage or loss to either university or individual property. Failure to do so will result in the withholding of a student's transcript and/or denial of either graduation or continued enrollment at the university.

5. COMMUNITY WORK
Assignment of a specific number of hours of community service work to be accomplished in a specific time.

6. DISCIPLINARY PROBATION
Written notification to the student that he/she is in official jeopardy. A further violation of the Student Code of Conduct while on disciplinary probation may result in suspension or expulsion.

7. RESTRICTION
Denial of the use of certain university facilities or the right to participate in certain activities or privileges for a specified period of time.

8. TERMINATION OF HOUSING PRIVILEGE
Withdrawal of the opportunity and ability to reside in a university owned or operated Residence Hall. All Residents should be aware that, as outlined in the Housing Contract and License Agreement, any student dismissed from the Residence Halls for disciplinary reasons is not entitled to a refund of his/her housing charges, including the deposit.

9. SUSPENSION
Exclusion from class, exams, and all functions of the university for a stated period of time. Suspension may require petition for readmission.

10. EXPULSION
Dismissal from the university. The student may not attend classes or take any examinations and must vacate university property by the effective date of expulsion. Readmission will not be considered.

III. Initiation of disciplinary proceedings

A. Complaint Procedure
1. FILING AN INCIDENT REPORT
An incident report is a detailed, written description of an alleged violation. Any member of the university community may report an alleged violation of the Student Code of Conduct, in writing, to the Office of Students Rights and Responsibilities. Complaints must be filed within sixty (60) days of the incident that precipitated the complaint. Incident report forms are available from the Office of Student Rights and Responsibilities and from the Office of University Housing.

2. PRELIMINARY REVIEW OF COMPLAINT
Upon receipt of the written incident report, the Office of Student Rights and Responsibilities is authorized to conduct a preliminary review of the complaint by questioning persons thought to have knowledge of the particular incident, including the alleged violator. If a person alleged to have violated the University Student Code of Conduct is questioned, he/she must be informed that he/she is being investigated and of the nature of the related incident.

3. NOTIFICATION OF COMPLAINT
If the Office Student Rights and Responsibilities finds that there is sufficient information or basis to support the complaint, the alleged violator will be

notified of the complaint in writing (by mail, return-receipt requested or hand-delivered).

4. DISMISSAL OF A COMPLAINT
If the Office of Student Rights and Responsibilities finds insufficient information or basis to support the complaint, the Office is authorized to dismiss the complaint. The Office of Student Rights and Responsibilities decision to dismiss a complaint is final.

B. Review of Complaints
1. DISCIPLINARY REVIEW MEETING
After the student has been given notice of the complaint, the Office of Student Rights and Responsibilities, may hold a disciplinary review meeting with the student alleged to have violated the Student Code of Conduct and the person submitting the incident report, if necessary, to determine all the facts surrounding the incident. The Office of Student Rights and Responsibilities will meet with all parties on a one-on-one basis.

2. LEVEL I REVIEW
a. If in the judgment of the Office of Student Rights and Responsibilities, the nature of the alleged violation is unlikely to result in the suspension or expulsion of the student from the university, the Office is authorized to review the matter. The procedures to be used in reviewing the matter will be determined by the Office of Student Rights & Responsibilities. The alleged violator will be given reasonable opportunity to comply with the process.

b. Where appropriate, the Office of Student Rights and Responsibilities may offer the parties to an incident the opportunity to resolve the matter through mediation. If mediation fails to yield a favorable resolution, the Office reserves the right to proceed in a more formal manner.

3. LEVEL II REVIEW
a. If in the judgment of the Office of Student Rights and Responsibilities, the nature of the alleged violation is likely to result in the suspension or expulsion of the student from the university, the Office will forward the matter to the Office of the Senior Vice President for Student Services for review.

b. The Office of Student Rights and Responsibilities, at its discretion, may also refer matters to the Office of the Senior Vice President for Student Services which may not necessarily result in suspension or expulsion from the university, if the Office believes it would be in the best interest of all concerned to do so.

c. The Senior Vice President or his/her designee will review the complaint to determine whether or not Emergency or Interim suspension is appropriate or necessary. If it is determined that either emergency or interim suspension is appropriate or necessary, the process outlined in Section II.B will be followed.

d. If it is determined that either emergency or interim suspension is not appropriate or necessary, the Senior Vice President or his/her designee will notify the alleged violator of the date, time, and place of the disciplinary review by a Disciplinary Review Panel. The procedures to be used in reviewing the matter will be determined by the Disciplinary Review Panel. The alleged violator will be given reasonable opportunity to comply with the process.

e. The alleged violator may waive the disciplinary review by the Disciplinary Review Panel if he/she chooses to take responsibility for violating the Code of Conduct or other university policy. In this case, the Senior Vice President or his/her designee will meet with the student and determine an appropriate sanction. There is no appeal from this decision.

f. If the matter is referred to a Disciplinary Review Panel for its review and the accused does not waive his right to a panel, the Panel shall meet and review the complaint. The Panel will make a recommendation of responsibility and sanction, if appropriate. This will then be sent to the Senior Vice President or his/her designee for his/her consideration.

g. The Senior Vice President or his/her designee will review the recommendation of the Disciplinary Review Panel, and make a final determination of responsibility and sanctioning.

h. The Senior Vice President for Student Services may, after consultation with the Provost and General Counsel, order the entry of a notation on the student's transcript explaining the Disciplinary Dismissal of a student who is found responsible for committing a crime of violence following a Level II review and the exhaustion of any related appeals.

4. Failure to respond and/or participate in either a Level I or Level II Review will result in a decision being made in the student’s absence.

5. Students may not be represented by attorneys in either a Level I or Level II Review.

6. The Disciplinary Review Panel will consist of five (5) members of the university community to be selected by the Senior Vice President for Student Services or his/her designee in consultation with the Deans of the various academic divisions.

IV. Appeal Process

A. Timing for Appeals

1. Once review proceedings are completed and a sanction imposed, the sanctioned student has the right to appeal on the grounds listed in paragraph IV. B. below.

2. Appeals must be filed in writing with the Senior Vice President for Student Services or his/her designee within ten (10) school days of receipt of a decision. Sanctions imposed will remain in effect pending appeal.

3. The appeal shall specify the basis of the appeal.

4. Failure to file a timely written appeal shall constitute a waiver of any right to appeal.

B. Grounds for Appeal for sanctioned student
1. A decision may be appealed if it can be clearly and specifically demonstrated that sufficient grounds exists to show that the sanctioned student was denied a fair review.

2. Sanctions may be appealed only when it can be specifically demonstrated that there is a flagrant discrepancy between the infraction and the imposed sanctions.

3. Sanctions may be appealed if they cause undue hardship on the student's ability to continue or pursue his/her course of study and/or stay in school.

C. General Provisions
1. Students are responsible for strict adherence to all deadlines and procedures for the filing of appeals.

2. No new information shall be considered on an appeal.

3. Documents filed in an appeal shall constitute a part of the record.

4. All documents relating to the proceedings from which the student is appealing shall be available to the Senior Vice President for Student Services or his/her designee.

D. Review of Appeals
1. The Senior Vice President for Student Services or his/her designee shall be responsible for reviewing all appeals.

2. The procedures to be used in reviewing an appeal, and for providing notification of the decision, will be determined by the Senior Vice President for Student Affairs, or designee. The student filing the appeal will be given reasonable opportunity to comply with the process.

3. The decision of the Senior Vice President for Student Services or his/her designee is final.

V. Student Organizations

Student organizations, which are officially recognized by the university, shall be prohibited from engaging in, or authorizing its members to engage in, any actions which are considered violations of the Student Code of Conduct.

A. Procedures
1. The Office of Student Rights and Responsibilities is authorized to investigate complaints against student organizations and, if necessary, charge the organization for violation of the Student Code of Conduct.

2. Charges will be served on the principal officer of the organization. The organization must respond in writing within five (5) school days of receipt of the notice.

3. The charged organization may request an extension in the response period. Such a request must be in writing and must be received by the Office of Student Rights and Responsibilities within five (5) school days of the receipt of the notice. The length of the extension will be determined by the Office of Student Rights and Responsibilities.

4. Failure to submit a timely response will constitute an admission of the allegations stated in the notice and may result in the imposition of sanctions.

5. The Office of Student Rights and Responsibilities may suspend the activities of the charged organization pending the review of the complaint.

6. The Office of Student Rights and Responsibilities will review the charges and response from the charged organization to determine whether or not the organization violated the Student Code of Conduct. Where it has been found that the organization violated the Student Code of Conduct, the Office will determine the appropriate sanction.

B. Sanctions

1. Any student organization found in violation of the Student Code of Conduct shall be subject to revocation of their charter to operate. The Office of Student Rights and Responsibilities may impose a lesser sanction as deemed appropriate.

2. Disciplinary sanction of a student organization will not preclude disciplinary action for an individual student if he/she is specifically charged in the same incident. Charges against individual students will be adjudicated under the process as outlined in Section III above.

C. Appeals

The Senior Vice President for Student Services or his/her designee shall hear appeals for the decisions made regarding student organizations using the procedures described in Section IV.D. above.