

## STUDENT CONDUCT RESOLUTION PROCEDURES

- Authority
  - Responsibility and authority for the regulation of student behavior is vested by the Board of Trustees in the President of the University, who delegates certain responsibility and authority to the Vice President for Student Life. The Vice President for Student Life may delegate certain authority and responsibility to the Dean of Students and other staff members.
  
- Procedures to Initiate the Conduct Resolution Process
  - Any member of the University community may file an incident report against a student with the Vice President for Student Life or with the Dean of Students Office. All reports should be filed promptly, but not later than 30 days from the time the incident occurred. Special circumstances, including alleged violations of the Sexual Misconduct policy (Title IX reports) for reporting outside this timeline will be considered.
  - An alternative method of initiating a Student Conduct Resolution Process is if a law enforcement report is obtained by the Dean of Students Office.

All reports should include:

- The name of the student allegedly responsible for the action;
  - The specific violation of the Standards of Student Conduct that has allegedly occurred;
  - A description of the conduct, including the date, location, and the names of any witnesses;
  - The effect of the conduct on the reporting person's position, academic standing, or other conditions of enrollment
- and**
- Any other information the reporting person believes to be relevant.
- 
- Rights of Students
  - Students are assumed not to be in violation of a policy until found otherwise.
  - Students have the right to an advisor. The term "advisor" is defined as any person (including any student, faculty or staff) selected by a student to assist and accompany him/her through the University Conduct Resolution Procedures (including investigation interviews, sanction reviews, and appeals). Students may choose to proceed with or without an advisor. A student shall not select an advisor who disrupts the proceedings, causes emotional distress to other participants, or otherwise attempts to interfere with the process. The advisor, upon request of the student, may (1) accompany the student in any conduct proceeding, (2) advise the student in the preparation and presentation of information, and (3) advise the student in the preparation of an appeal or sanction review. The advisor shall only advise the student. The advisor may not make a presentation on behalf of the student. Students are expected to ask and respond to questions on their own behalf. The advisor may consult with their advisee quietly or in writing, or outside the hearing room during

breaks. The advisor may not speak on behalf of the advisee. Delays in the process will not be allowed due to scheduling conflicts with advisors.

The Investigating Officer or Appeals Board may restrict an individual from participating as an advisor if it is determined that an advisor's presence is likely to cause significant emotional distress or to create a significant disruption.

- A prompt and effective remedy.
  - A thorough, reliable, and impartial investigation.
  - A fair, and impartial proceeding that:
    - Is completed within a reasonable time frame. Time frames may be extended for good cause with written notice to both the reporting and responding persons noting the reason for the delay.
    - Is conducted in a manner consistent with institutional policies and is transparent.
    - Includes timely notice of meetings at which reporting or responding persons, or both, may be present.
    - Provides timely and equal access to information that will be used during meetings.
    - Is conducted by officials who do not have a conflict of interest or bias for or against either of the parties.
  - Written notification of the outcomes, including findings, sanctions and the rationales therefor, and appeal options.
  - A preponderance of evidence standard.
  - Freedom from retaliation.
  - A statement of applicable campus policies and procedures violated and a list of the sanctions that Clarke University may impose following the Student Conduct Resolution Proceeding.
  - The right to be present at all meetings. If a student chooses to not appear at a meeting, the investigative process will continue. A student who fails to appear at a scheduled meeting within the conduct resolution process may be found guilty of the alleged conduct and immediately suspended from classes by the President or her/his representative. An additional charge for non-compliance with a University Policy may be filed as a result of his/her failure to appear.
- Investigation Process
    - Upon receipt of information requiring a Student Conduct Resolution Procedure, a primary investigator will be assigned to the incident.
      - A second person may accompany the primary investigator during interviews with the reporting and responding students, and with witnesses so that information obtained during interviews can be corroborated. In certain cases, the University may appoint someone from outside the University Community to conduct the investigation. Witnesses are not to disclose to others that they have been interviewed or the nature of the questions asked in order to maintain the integrity of the investigation. Violation of this directive may be

the basis for disciplinary action or other sanctions as determined by the University.

- The investigator will conduct a preliminary investigation to determine if there is reasonable cause to charge a student, and to identify the policy violations that may have occurred. The investigator will determine if an interim accommodation is required pending the outcome of the investigation. The interim accommodation may include: suspension, change in housing assignment, change in academic schedule, restriction from facilities, restriction from interaction with a specific person, or other remedial short-term action.
- If there is insufficient evidence to support a reasonable belief that a policy violation occurred, the report will be closed with no further action.
- If there is sufficient evidence to support a reasonable belief that a policy violation occurred, an investigation will continue. The investigator will develop an investigative plan, including a witness list, exhibit list, timeframe, and order of witness interviews.
  - Efforts will be made to complete the investigation promptly.
  - The primary investigator will prepare a written report following the completion of the investigation. The report will include:
    - A summary of the initial report
    - A summary of the answer by the responding student
    - A summary of the statements and information obtained during the investigation.
    - A decision on whether a policy violation occurred
    - An explanation to support the decision. Findings must be supported by a preponderance of the evidence (more likely to have occurred than not).
    - A summary of prior policy violations by the responding party.
    - A sanction.
    - The rationale for the sanction.
  - Findings and sanctions will be presented in writing to the reporting and responding persons. Sanctions will be applied with the intent to stop the policy-violating behavior, prevent its recurrence, and remedy its effects on the victim and the University community.
  - Information on the University appeal process will be provided to both parties. Each party has the right to request an appeal.
- Investigators
  - The assigned investigator will normally be the lowest-level Administrator appropriate to the alleged policy violation as determined by the Vice President for Student Life. The Dean of Students, Director of Residence Life, Assistant Director of Residence Life, Director of Engagement and Intercultural Programs, and the Assistant Director of Engagement and Intercultural Programs will serve as investigators in the Student Conduct Resolution Process. The Vice President for Student Life may also assign other

faculty or staff, or a third party from outside the University Community to serve as investigator.

- Sanctions
  - The purpose of a sanction is to end the policy-violating behavior, prevent its recurrence, and remedy its effects on the community and its members. Responsibility for enforcement of sanctions rests with the Vice President for Student Life and Dean of Students or his/her designee. A record of disciplinary action will be kept on file with the Vice President for Student Life and the Dean of Students Office. Reports related to incidents of sexual misconduct (Title IX reports) are kept on file by the Title IX Coordinator. Records will be kept on file for five calendar years following the student's terminating date from the University. Records in which the resulting sanction is suspension or expulsion are retained permanently. Sanctions are normally progressive during the student's enrollment in the University. The severity of the violation, prior violations, and the behavior's impact on the University community will be taken into account when determining a proper sanction. Sanctions include the following:
    - Warning – Written notice to the student that continuation or repetition of the conduct in question, within a specified period of time, will be a cause for more severe disciplinary action.
    - Probation – This sanction is imposed for a specified period of time. Probation may also include the loss of privileges consistent with the offense committed
      - Residence Hall Probation – This sanction is imposed for violations of the housing agreement. A student involved in further incidents within a specified time should expect to receive more severe disciplinary action.
      - Disciplinary Probation – This sanction may include loss of campus-wide privileges including but not limited to the inability to participate in student organizations, athletic teams, activities, and programs. The disciplinary action taken may be increased to that of suspension if the student is involved in an act of misconduct, including violation of the terms of probation, during the probationary period.
    - Suspension – Separation of the student from the University for a specified period of time, but never less than the remainder of the semester after which the student may apply for readmission. Suspension requires the approval of the Vice President for Student Life. Usually there are conditions which must be met before readmission is considered.
    - Expulsion – Expulsion is the immediate and permanent separation of the Student from the University. Expulsion must be approved by the Vice President for Student Life and the President.
  - Action Plans

Conduct Resolution Procedures are intended to be an educational process. If found responsible for a policy violation, the student may be required to perform a series of action steps to assist in their learning, internalizing, and growth, as well as to serve as a healing process to the impacted community and its members. Examples of a student's action plan may include:

- Restitution and Fines - The student is required to make payment to the University or to other individuals, groups or organizations for damages incurred as a result of a violation of a Student Conduct Standard. Fines may be assessed.
- Educational Sanctions- Educational Sanctions may include work projects, participation in educational programs, volunteer or campus service, or participation in alcohol and other drug awareness programs
- A comprehensive evaluation of the Student, including physical and mental health assessments, as deemed appropriate by the University. Documentation regarding diagnosis, recommended treatment and recommendations about the student's ability to attend class and live in a residential community may be required from health professionals before the student is reinstated. In order to maintain Student status, the student must agree to follow the recommended action plan developed between the University and the student.
- Denial of Access to Specific Areas- The student may be banned from certain areas on campus for a specified length of time.

- Appeals

- Appeals Officers

- Decisions of an investigator may be appealed in writing to the next level of administration. There is no further appeal.
    - Incidents related to violations of the Sexual Misconduct Policy are appealed to the Appeals Board. See the Sexual Misconduct Policy for details on this process.

- An appeal may be filed by the reporting student or by the responding student. A student is only entitled to one appeal. Grounds for appeal are limited to:

1. A procedural error occurred that significantly impacted the outcome of the investigation;
2. The discovery of new information, unavailable during the original investigation, which could substantially impact the original finding or sanction. A summary of this new information and its potential impact must be included with the appeal, as well as the reason why this information was not available or presented during the original investigation;
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

- Appeal process :

- Appeals must be made in writing within three days of the receipt of the written findings of the investigation. The appeal must state:

1. A procedural error occurred that significantly impacted the outcome of the investigation;
2. The discovery of new information, unavailable during the original investigation, which could substantially impact the original finding or sanction. A summary of this new information and its potential impact must be included with the appeal, as well as the reason why this information was not available or presented during the original investigation;
3. The sanctions imposed are substantially disproportionate to the severity of the violation.
  - The appeal officer/board will review the appeal and determine whether a hearing on the appeal will be granted.
  - If granted the opportunity for a hearing on the appeal, the student must argue the appeal to the appeal officer/board.
  - Following hearing, a sanction may be confirmed, eliminated, reduced, or increased by the appeal officer/board.
  - During the appeal process, all sanctions assigned remain in effect.

Updated August 2015