

# Student Code of Conduct: Rights and Responsibilities

## PRINCIPLES OF COMMUNITY

Southern Vermont College firmly believes in the concept of individuality, which includes responsibility for one's own behavior. We strive to create and support an educational environment that promotes student growth and development. To that end, students must be guided by a sense of personal honor based on integrity, common sense, and respect for the rights of others.

In a community such as ours, self-discipline is the cornerstone of personal freedom. The College recognizes the rights of all individuals to express themselves in words and actions so long as they do so without infringing upon the rights of others or violating the standards of good conduct. There must be a willingness and commitment among those within the College to associate in such a way that allows individual freedom, rights and privileges to coexist with reasonable order. Membership in the College community assumes a respect for these basic principles that enable the College to accomplish its mission.

The policies and procedures set forth in the *Student Handbook* and other published documents are an important part of the educational mission of the College and apply to all Southern Vermont College students. They are designed to foster an effective learning environment and support the values of our educational community. They are not based on nor are they intended to mirror the rights or procedures in civil or criminal court proceedings.

Separate documents outline the community responsibilities related to faculty, staff and administrators. The Dean of Students generally establishes, reviews, and administers the student conduct policies and procedures. The College reserves the right to amend the policies and procedures at any time, giving the community reasonable notice. Note that the web version of the *Student Handbook* is considered the most up-to-date.

## CONDUCT REVIEW SYSTEM

In the case of misconduct or violation of College policy, the Dean of Students or designated representative may, at her discretion, either settle the problem in accordance with College policy or refer a formal complaint to one of the hearing bodies.

Reports of student misconduct and disciplinary records from any judicial process are kept in the Dean of Students Office, and all information is considered confidential. Students failing to appear for a hearing when called by a conduct agency, failing to cooperate with an investigation, providing false information, and/or intentionally interfering with an investigation will be considered in violation of College policy and may be subject to disciplinary action.

Acts which constitute violations of local, state, or federal laws and the student conduct policy may result in students being accountable to both civil authorities and the College. These acts may be referred to civil authorities by the College. The College may take disciplinary action separately from any criminal or civil proceedings and its actions will not be subject to challenge on the grounds that criminal charges involving the same incident are in litigation and/or have been dismissed or reduced.

### Fair Practice in Conduct Matters

Students have the right to a fair process in addressing alleged violations of the Student Code of Conduct. Southern Vermont College's conduct process follows procedures of "Fair Practice." Fair Practice is a flexible term generally indicating that the student accused of a violation of the Student Code of Conduct will be provided with reasonable notice of the alleged violation(s) and an opportunity to be heard. Fair Practice normally includes written notification to the student of the alleged violation of the Student Code of Conduct, an administrative meeting or a hearing by the Conduct Review Board, and the right of appeal.

### Initiating a Complaint

All complaints concerning infringement of student rights and/or alleged violations of the Student Code of Conduct shall be responded to through the Southern Vermont College conduct system. This response shall apply to individual students and student groups.

Any member of the Southern Vermont College community may initiate the College's judicial process by alleging a violation by a student. This includes, but is not limited to students, faculty, Campus Safety Officers, a member of the Office of Student Life staff, campus organizations and departments. Complaints must be submitted in writing to the Dean of Students within 45 days (except for allegations of sexual misconduct, which may be submitted within one year) from the time the Complainant (person submitting the complaint) became aware of the alleged violation. The written complaint should present any allegations concerning specific violations of the Student Code of Conduct and the names of the student(s) responsible for one or more of these violations.

### **Interim Sanctions**

An interim sanction; i.e., a sanction imposed before completion of the conduct review process, may be imposed by the Dean of Students or his/her designee if there is a reasonable belief that:

1. a student's own safety and/or well-being is at risk;
2. a student poses a threat to the health and/or safety of any members of the College community;
3. a student poses a threat of disruption or interference with the normal operations of the College.

An interim conduct sanction may include:

**Suspension from the College** - While interim suspension status is in effect, a student is denied access to classes, activities, and facilities pending resolution of the judicial case or completion of the adjudication process.

**Campus Restriction** - While campus restriction is in effect, a student is allowed access to classes; however, access to any activities, campus facilities, and campus property is denied.

**No-Contact Order** - While a no-contact order is in effect, a student is instructed not to engage in either direct or indirect contact with the Complainant(s) and witnesses. Methods of contact include, but are not limited to, verbal exchange, telephone, e-mail, text message, letter, and communication via another party on the student's behalf.

### **Conduct Review**

The Dean of Students, or designee, determines the path a case will follow in the conduct system. Most cases are typically handled at the Administrative Meeting level. However, a case can be sent directly to the Conduct Review Board, depending on the level of severity of the situation, a student's conduct history or at the discretion of the Dean of Student Life.

All members serving on any Conduct Review process have been trained in the Student Rights and Responsibilities policies and procedures and will be appointed on a yearly basis.

1. **Administrative Meeting:** A member of the Student Life Staff will conduct a meeting with the student(s) alleged to have violated the Student Code of Conduct (Respondent). The purpose of this meeting is to create an opportunity for educational conversation, and follow-up and resolution, of relatively minor alleged violations. The Student Life staff member will determine if the Respondent is responsible or not for the alleged violation and, if necessary, determine appropriate sanctions.

Students are required to attend Administrative Meetings. If you are unable to attend an Administrative Meeting, the student is required to contact the administrator via email within 24 hours to reschedule. Failure to attend a conduct meeting without rescheduling will result in a \$50.00 administrative fee and a mandatory rescheduled meeting. Failure to attend or reschedule the second meeting will result in an additional \$25.00 administrative fee and the student will be sanctioned in absentia and forfeit his or her right to appeal the sanction. All administrative fees will be placed on the student's account.

2. **Conduct Review Board:** The Conduct Review Board (CRB) quorum consists of a combination of staff and/or faculty members and students with no more than three members hearing each case. The CRB hears cases involving serious violations or repeated minor violations of College policy where a student may be removed from College housing or separated from the College, or if it is more reasonable to have a review board based on the circumstances of a given case.

The student representatives will be selected by the Dean of Students in consultation with the President of SGA; the faculty representatives are selected by the Chair of the Faculty Association; and the staff members are selected by the Chair of the Administrative Forum. Each of the representative bodies will normally select at least three members to participate on the CRB. In cases of discrimination, harassment, sexual harassment, and/or sexual misconduct, the Dean of Students or the Director of Human Resources may serve as Chair of the CRB.

Facilitator. A member of the Student Life staff, as designated by the Dean of Students, will serve as an objective Facilitator of the Conduct Review Board. The role of the Facilitator is to ensure the proper order of the meeting and answer any questions related to process.

## PROCEDURE FOR CONDUCT REVIEW BOARD HEARINGS

1. **Referral Time Frame.** All cases referred to the Conduct Review Board (CRB) will be handled as soon as is reasonably practical. Typically, after a complaint is filed, cases will be heard within a two-week period. The Dean of Students may make exceptions as deemed necessary. The only reason an individual may not attend a hearing is due to a scheduled class or intercollegiate athletic game. Generally, in cases of a particularly serious nature and/or having a serious outcome (such as suspension), an intercollegiate athletic game may not be considered an excuse.
2. **Notification.** Upon receiving a referral of a case for resolution, the Facilitator will notify all involved persons and members of the hearing body of the scheduled hearing. The Facilitator will also designate one of the hearing body members to serve as Chair of the proceedings. The student responding to the complaint (Respondent) will be provided with a written statement of the complaint and will be granted access to copies of all relevant materials. Once a student is verbally notified for an alleged policy violation at a given incident, it is the student's responsibility to check his or her e-mail for follow-up information from a member of the Dean of Students' staff.
3. **Written Statements.** A written statement by the Respondent must be provided to the Facilitator at least 24 hours in advance of the hearing. This statement will be shared with the Complainant as soon as it is reasonably practical.
4. **Campus Community Advisor.** Both the Complainant and the Respondent may request the assistance of an advisor from within the Southern Vermont College community. Neither the Complainant nor the Respondent may have an attorney present during the hearing. If the advisor will be in attendance at the hearing, his/her name must be shared with the Facilitator at least 24 hours in advance of the hearing. During the hearing, the advisor's role will be limited to consultation with the advisee.
5. **Witnesses.** Names of witnesses being called by either party must be given to the Facilitator at least 24 hours in advance of the hearing. These names will be provided to the other party as soon as is practical thereafter. Neither the Complainant nor the Respondent has a right to compel witnesses to appear or speak but both may request the Dean of Students or the Facilitator to do so with sufficient notice. Witnesses shall only be allowed to share information that is factual and directly pertinent to the specific incident being reviewed; character references will not be heard.

The hearing body may require the cooperation of any member(s) of the Southern Vermont College community in providing information during the hearing. However, no member of the College staff with whom the Complainant or Respondent has entered into a confidential relationship can be required to give information arising from that role without the permission of the Complainant or Respondent.

6. **Individuals Permitted at the CRB.** During the review, normally only the Facilitator, Complainant, the Respondent, CRB members, witnesses, and advisors may be present. Witnesses shall be present only when sharing information with the CRB, unless noted at the discretion of the Chair. At the request of a hearing participant, the Facilitator will take appropriate action to maintain a safe environment for all parties. Such action may include offering a physical separation of the parties during the hearing and/or adding the presence of a Campus Security Officer at the hearing.
7. **Questions & Answer Format.** During a hearing, the hearing body will allow the Complainant, the Respondent, and witnesses to share information via a question and answer format. The Complainant and Respondent will have the opportunity to ask questions of each other and of witnesses through the Chair.
8. **Audiotape Recording.** All information shared at the hearing will be audio taped. If any person scheduled to be present at the hearing has an objection to the audio taping of the hearing, notice of this objection must be given in writing to the Facilitator at least 24 hours in advance of the hearing. In the event an objection is given, provisions will be made to record the hearing information on paper. The deliberations by the CRB will

not be taped. The tape is the property of the College, and it will be preserved only until the conclusion of any appeal process.

9. **Attendance.** If the Respondent chooses not to speak at or attend the hearing, the CRB procedures will still be followed and sanctions, if appropriate, will be imposed. Failure of the respondent to appear may also result in additional complaints.
10. **Civility.** The Chair will promote a civil and respectful proceeding. Hence, the Chair reserves the right to remove any individual who impedes the judicial process.
11. **Recess/Continuance.** A case may be recessed or continued at the hearing body's discretion.
12. **Evidentiary Standard.** The CRB shall invoke the evidentiary standard Preponderance of Evidence, which means "more likely than not," when determining whether a violation has occurred.
13. **Majority Vote.** Following completion of the hearing, the Board members shall decide by majority vote whether or not each Respondent is responsible for the violation(s) of the Student Code of Conduct.
14. **Deliberation and Sanctioning.** The CRB's deliberation to determine responsibility and sanction, if appropriate, are confidential, not recorded, and only the hearing body members entitled to be present. On occasion, for training purposes, additional people may be entitled to be present. If the majority decides the Respondent is responsible for a violation and a sanction is deemed appropriate, a separate majority vote will take place to determine the sanction that will be imposed. Pertinent records of previous disciplinary action may be used in determining an appropriate sanction
15. **Respondent Notification.** At the conclusion of the conduct review proceeding, the final decision will be delivered (normally within three business days) in writing to the Respondent from the Chair of the CRB or his or her designee, in the name of the College
16. **Complainant Notification, if applicable.** If the incident involved an issue of violence, the Dean of Students or the Facilitator will notify the Complainant of the decision, in compliance with FERPA regulations.

## SANCTIONS FOR VIOLATIONS

Judicial sanctions may be imposed on a student found responsible for violating the Student Code of Conduct. The following disciplinary sanctions may be imposed for violations of College regulations. Depending on the circumstances, more than one sanction may be imposed. Disciplinary action is determined on a case-by-case basis. Therefore, when types of disciplinary actions are referred to throughout this *Handbook* as being likely in the event of certain misconduct, understand that these references are only for the sake of example; that is, all levels of College discipline, up to and including expulsion, are potentially appropriate violation of policy, depending on the circumstances.

Graduate schools, professional schools, and College programs (i.e. Study Abroad and Internships) may request information about a student's Disciplinary Standing. They will be informed that a student is not in good Disciplinary Standing if the student's judicial status was ever on Conduct Probation or any form of Suspension or Expulsion. It will be assumed that a request for a Dean's recommendation provides implied permission for release of this information.

If the violation involved violence, the Complainant will be informed of the specific sanction per FERPA guidelines.

**Letter of Warning** – A letter indicating that a student has been found responsible for a violation of policy of the Student Code of Conduct. This sanction will be in effect for a specified period of time and indicates that if the student is again found in violation of the Student Code of Conduct during the period of this status, a sanction will likely be imposed that reflects a repeated violation.

**Conduct Warning** – A letter indicating that a student has been found responsible for a violation of policy of the Student Code of Conduct that reflects a more serious violation or repeated minor violations. This sanction will be in effect for a specified period of time and indicates that if the student is again found in violation of the Student Code of Conduct during the period of this status, a sanction of Conduct Probation or greater will likely be necessitated. Legal guardians of dependent students, academic advisors and coaches will be notified of the decision.

**Conduct Probation** – Formal notice that a student’s status at the College is in jeopardy as a result of one or more violations of the Student Code of Conduct. This sanction will be in effect for a specified period of time and indicates that if the student is found in violation of the Student Code of Conduct during the period of this status, the imposed sanction may include Residential Suspension or Expulsion, Suspension from the College, or Expulsion from the College. Restrictions generally associated with conduct probation may include, but are not limited to, qualifications for prizes and participation in and/or attendance at College extracurricular activities, including intercollegiate athletics. Legal guardians of dependent students, academic advisors and coaches will be notified of the decision.

**Residential Suspension** – Temporary dismissal from College owned housing for a specified period of time and without financial reimbursement. After this period is concluded, the student may regain his or her ability to live in a residence hall following an interview with the Dean of Students or his/her designee. A residentially suspended student may not enter any College owned housing during this time. Legal guardians of dependent students, academic advisors and coaches will be notified of the decision.

**Residential Expulsion** – Permanent expulsion from College owned housing without financial reimbursement. A residentially expelled student may not enter any College owned housing for the remainder of his/her College career. Legal guardians of dependent students, academic advisors and coaches will be notified of the decision.

**Suspension from the College** – Temporary dismissal from the College for a specified period of time. After this period is concluded, the student may resume his or her studies following an interview with the Dean of Students or his/her designee. A suspended student may not engage in College activities, use any College facilities, or be on College property without expressed permission from the Dean of Students or his/her designee. During the period in effect, suspension is recorded on the student’s academic record. Upon the student’s reinstatement, this notation is permanently removed from the academic records, and he/she will be considered eligible for registration in compliance with academic policy. Any further incidents of misconduct after the student is readmitted may result in disciplinary dismissal. Legal guardians of dependent students, academic advisors and coaches will be notified of the decision.

**Expulsion from the College** – Permanent dismissal from the College, without the right to return. An expelled student no longer has the privileges of matriculated students and may not engage in College activities, use any College facilities, or be on College property. Expulsion is recorded on the student’s transcript. Legal guardians of dependent students, academic advisors and coaches will be notified of the decision.

**Individualized Sanctions** – Special sanctions directly related to individual cases may be imposed in place of, or in addition to, other imposed sanctions. Examples of possible sanctions follow:

- substance abuse education
- substance abuse counseling
- restitution
  - payment for property loss/damage
- community work hours
- loss of privileges
  - denial of specified privileges for a designated period of time
- fines
- required assignment; i.e., written apology, paper, program

## **APPEALS**

If a student is found responsible and sanctioned by the Conduct Review Process, he/she has the right to an appeal. However, if a student fails to schedule and attend a second Administrative Meeting, the right to appeal will be forfeited. Appeals must be made in writing to the Dean of Students within three business days of the original decision; after that time, an appeal will not be heard. However, if the Dean of Students conducted the Administrative Meeting or was a member of the hearing board, the Chief Operating Officer, or designee, will serve as the appeal officer. All appeal decisions are final.

**Criteria for Appeals:** There are three criteria for appeals, and all appeals must be based on one or more of these criteria for consideration:

1. The basic tenets of Fair Practice, as defined earlier, were not met.
2. Significant new information, that was available that was not available for the original hearing, is submitted.

3. The imposed sanction is not consistent with the sanctions imposed in similar cases or is inappropriately severe, given the information shared in the case and the student's previous conduct status.

In cases related to Title IX violations and/or violence:

1. Both the respondent and the complainant will receive written notification of sanctions imposed on the respondent.
2. Both the respondent and complainant may submit and appeal a per the appeal guidelines.

Dissatisfaction with the finding(s) or sanction(s) is not sufficient grounds for appeal. The decision of the appellate agency is final.

The Dean of Students or the President may, at his or her discretion meet with the Respondent and/or Complainant. The appeal officer shall have the sole discretion in accepting or rejecting a case for review based on the criteria for appeals listed above and may uphold, modify or amend the decision of the review board. The Dean or President may also request and ad hoc body to review the case and make recommendations to him or her prior to making a final decision on the appeal.

## **STUDENT GRIEVANCE POLICY**

The Student Grievance Policy gives the student the opportunity to follow a grievance procedure if the student believes that a policy was not appropriately discharged. Course grades are the purview of the respective faculty member and do not fall under this policy, nor does dissatisfaction with the outcome of a conduct review process. At any stage in the following process, all parties will make sincere efforts to reach a resolution of the issue in question.

1. The student must first discuss the matter of concern with the staff member involved.
2. If the student is not satisfied with the results of the above discussion, he or she then appeals to the staff member's immediate supervisor.
3. The supervisor will meet with the student and the staff member in an effort to resolve the grievance.
4. If the grievance is not resolved, an ad hoc committee will be formed consisting of the Dean of Students, one student, and a staff or faculty member appointed by the Dean of Students in consultation with the employee's supervisor.

In cases where administrators at the level of the Dean of Students are involved, Steps 2 and 4 are replaced by an appeal to the College President. All parties are expected to adhere to the findings of the ad hoc committee.