

# Part III: Graduate and Professional Student Code of Conduct

## PREAMBLE

As a community that celebrates its Catholic, Lasallian, and Liberal Arts traditions and receives inspiration in the life of our Founder, Saint John Baptist de La Salle, Saint Mary's College expresses these values in specific and intentional ways. The five Lasallian Core Principles of Faith in the Presence of God, Respect for All Persons, Inclusive Community, Quality Education, and Concern for the Poor and Social Justice give direction to and find expression among the College community. These five Lasallian Core Principles provide the framework through which our students conduct themselves and are consistent with College policies.

The general principles governing community life at Saint Mary's College are guided and informed by the Mission Statement of the College. All members of the College community are expected to read and have a working knowledge of its principles. The Code of Conduct and student discipline process are intended to:

- create a responsible, civil and intellectual educational community;
- promote the respect of College and individual property;
- create an environment in which all members of the community are treated with dignity and respect; and
- provide an environment that facilitates intellectual, personal and spiritual development.

By voluntarily choosing to affiliate with the College, students are presumed to have knowledge of and have accepted the responsibilities outlined in the Code of Conduct, other College policies and the student discipline process. Claiming not to know the Code of Conduct, other College policies and the student discipline process is not considered a legitimate excuse or defense for violations of the Code of Conduct or other College policies.

## ARTICLE I: DEFINITIONS

"College" means Saint Mary's College of California.

"Code" means the Undergraduate, Graduate and Professional Student Code of Conduct.

"Handbook" means the *Graduate and Professional Student Handbook*.

"Student" includes any person participating in the graduate or professional program by taking courses at the College, either full time or part time, taking credit/no credit classes, or having resident or non-resident status, including when studying abroad in connection with a College-sponsored program. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered students.

"College official" includes any person employed by the College and who is acting within the course and scope of his or her College employment or leadership role.

"Campus" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.

"Day" means a day when the College is open for business, regardless of whether classes are in session. In determining deadlines as set forth in the student discipline process, reference to number of "days" prior to or after an occurrence of an event shall not include the day of the event.

"Organization" means any number of persons who have complied with the formal requirements for College recognition.

"Hearing Officer" means a College official authorized on a case by case basis by the dean of the school or designee, to impose sanctions upon any student(s) found to have violated the code. The dean of the school, or designee, may authorize a Hearing Officer to serve simultaneously as a Hearing Officer and as one of the members of the Disciplinary Hearing Board.

"Disciplinary Hearing Board," or "DHB," means any person(s) authorized by the dean of the school, or designee, to determine whether a student has violated the code and to recommend sanctions that may be imposed when a rules violation has been committed.

"Appeal Board" means any person(s) authorized by the dean of the school or designee, to consider an appeal from a student discipline process determination as to whether a student has violated the code or from the sanctions imposed by the Hearing Officer, Peer Council or Disciplinary Hearing Board.

"Shall" and "will" are used interchangeably in this Handbook, and are intended to have the same meaning, i.e., to express a certainty of outcome, a requirement, or an absence of discretion or choice.

"Policy" means the written regulations of the College as found in, but not limited to, the code, Graduate or Professional Student Handbook, the College Catalog, the College web page and Technology Use policy.

"Possession" is interpreted as being in the known presence of articles. Students encountered in locations where drugs, alcohol, weapons or explosives, or other misconduct is evident will normally be considered in violation, even if they do not have the prohibited items on their person at the time they are encountered.

"Complainant" means any person who submits, either orally or written, a report of conduct alleging a violation of the code and/or College Policy. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this code as are provided to the Complainant, even if another member of the College community submitted the report of conduct itself.

"Respondent" means any student accused of engaging in conduct in violation of this code or other College policy.

The dean of the school is that person designated by the College president to be responsible for the administration of the Student Code of Conduct.

## ARTICLE II: CODE OF CONDUCT AUTHORITY

The authority to enforce the code and other College policies is delegated by the president to the provost and by the provost to the dean of the school, who is charged with overseeing and administering the student discipline process. The dean of the school or designee shall determine the composition of the pools of the Disciplinary Hearing Board panels and Appeal Boards.

The dean of the school, or designee, shall follow policies developed by the College for the conduct of hearings, Disciplinary Hearing Board panels, and Appeal Boards that are consistent with provisions of the code and/or other College policies.

Decisions made by a hearing officer and/or Disciplinary Hearing Board panel shall be final, pending the conclusion of the normal appeal process.

## ARTICLE III: PROSCRIBED CONDUCT

### Jurisdiction of the Code of Conduct

The code shall apply to conduct that occurs on campus, at College sponsored activities, and to off-campus conduct that adversely affects the College environment and/or the pursuit of the College community's objectives. Each student shall be responsible for his/her conduct from the time of enrollment for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The dean of the school, or designee, shall decide whether the code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

### Conduct—Rules and Regulations

Students are subject to disciplinary sanctions when acting contrarily to the general principles outlined in the Code's Preamble. Included are violations of any College policy, rule, or regulation published in hard copy or available electronically on the College website or violation of any federal, state or local law. The commission, aiding, abetting, attempting, inciting, and/or complicity in of any of the following constitutes an offense for which a student or student organization may be subject to the student discipline process. This list does not define misconduct in exhaustive terms and may not describe all potential violations. Examples of specific incidents of contrary action are outlined below.

Acts of dishonesty, including but not limited to the following:

- Furnishing false information to any College official, faculty member, or department.
- Forgery, alteration, or misuse of any College document, record, or instrument of identification.
- Possessing or distributing unauthorized College keys.

All members of the College community are entitled to be a part of and are responsible for maintaining an environment of civility that fosters respect, peace, self-dignity, tolerance, and freedom of expression. Therefore, the community expects that students will avoid disruptive behavior that includes, but is not limited to action that impairs, interferes with or obstructs the orderly conduct, processes and functions of the College and covers acts and attempted acts, regardless of whether the act or attempt was

deliberate and whether the potential outcome was intended.

- Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities either on or off campus.
- Self destructive conduct that may endanger not only the person acting in that manner, but also impacts the entire community. The College will take into account factors that impact or cause such conduct including, but not limited to, suicidal ideation, threats or attempts, eating disorders and cutting and other self-mutilation.
- Interference with the freedom of movement or speech of any person or guest of the College.
- Interference with the rights of others to enter, use or leave any College facility, service or activity, or inappropriate or disruptive behavior in the classroom.
- Intentional misuse, disabling of or tampering with any fire alarm, fire fighting or safety equipment or issuing, falsely or not, a bomb threat or other warning of impending disaster is prohibited.
- Hindering another's exit or failing to exit during an alarm or evacuation or intentionally starting or attempting to start a fire on campus is prohibited.

The College endeavors to be a community that nurtures the growth and development of all of its members, demonstrates respect for one another, is sensitive to differences, and engages in interactions based on a standard of fairness. Therefore, the community expects that students will avoid conduct that is disorderly in nature which subsequently threatens, harms or interferes with members of the College community, including but not limited to, conduct such as:

- Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
- Violence, being unruly, disturbing the peace and/or fighting.
- Public intoxication.
- Indecent or obscene conduct, whether on or off campus, or on the intranet or internet.
- Hosting guests who act in a disorderly or disruptive manner.
- Aiding, abetting, or procuring another person to breach the peace on campus or at functions sponsored by, or participated in by, the College or members.
- Conduct toward another student and/or employee that have the observable effect of unreasonably interfering with that individual's ability to work or to participate in the educational benefits at the College.

College community members are expected to respect College property, the private property of other members of the College community and the property of the larger community in which we live. Damage to property, vandalism and unauthorized use includes, but is not limited to:

- Damaging, vandalizing or tampering with property owned, operated or controlled by the College or one of its members (i.e. students, faculty, staff or visitor) is prohibited. The theft, attempted theft, or the unauthorized use or possession of property or services owned or controlled by an individual or the College regardless of location.

- The entry of, or attempt to enter, any College owned or operated building or facility without authorization or a legal right to do so, or except with such authority or right, against the will of the occupant or the individual in charge of the building or facility. Unauthorized presence on, in or within any building or property owned or operated by the College, including roofs, balconies or other areas that are not designated as acceptable.
- Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College campus.

Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is not neutral acts; they are violations of this rule.

Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

The sale, use, possession, manufacturing, or distribution of illegal drugs, or being under the influence of controlled substances or illegal drugs, and/or the sale, use, manufacturing or distribution of drug paraphernalia, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).

The sale, use, possession, or distribution of alcohol or being under the influence of alcohol, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).

Knowledge of or the possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item in a manner that harms, threatens or causes fear to others.

Weapons include, but are not limited to, studded wristbands, nunchakus, firearms, replica weapons, knives, swords, air-powered guns (including, but not limited to, paintball guns, BB guns, and CO2 guns), or any object that normally would not be considered a weapon, but by alteration, modification or redesign, or by intended use, would be readily recognized or considered as a weapon by any reasonable and prudent person.

Explosives include, but are not limited to, firecrackers, ammunition, and fireworks.

All weapons and explosives will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.

Any abuse of computer facilities and resources, including but not limited to any violation of the College's Technology Policy.

Misuse of the Student Discipline Process, including but not limited to:

- Failure to obey the notice from a College official to appear for a meeting or hearing as part of the student discipline process.
- Falsification, distortion, or misrepresentation of information before any College official.

- Disruption or interference with the orderly conduct of a student discipline hearing proceeding.
- Institution of a code proceeding in bad faith.
- Attempting to discourage an individual's proper participating in, or use of, the code process.
- Attempting to influence the impartiality of a College official, a Disciplinary Hearing Board panel member, and/or during the course of, the student discipline hearing proceeding. Harassment (verbal or physical) and/or intimidation of a College official, a Disciplinary Hearing Board panel member, or, during, and/or after a student conduct code proceeding.
- Failure to comply with the sanction(s) imposed under the code.
- Influencing or attempting to influence another person to commit an abuse of the student discipline process or other College policy.

Engaging in illegal gambling activities as defined by federal, state, or local law, is prohibited. Using College owned or controlled technology equipment for gambling is prohibited.

Engaging in non-consensual sexual conduct with another person as defined in the Student Sexual Assault and Sexual Misconduct Policy and in the College's Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation. Such non-consensual sexual conduct (which can be verbal, visual or physical) is a form of discrimination prohibited not only by these policies, but, also, by the law.

### **Violation of Law and College Discipline**

The College's student discipline process is applicable to conduct which occurs on College owned or controlled premises or at activities which the College sponsors or recognizes (including, but not limited to, off-campus sanctioned events, sporting activities, study abroad, and travel), off-campus conduct between or among the College's students, or any activity of which the dean of the school, or designee, has notice and in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred. Therefore, the student discipline process may be activated, at the discretion of the College, for alleged violations which occur off-campus and when such actions by its students might adversely affect other students enrolled at the College or individuals visiting the College campus, the interests of the College community, the pursuit of College objectives and/or the surrounding community.

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his/her status as a student. If the alleged offense is also being processed under the code, the College may advise off-campus authorities of the existence of the code and of how such matters are administratively handled within the College community. Consistent with the College's obligations under applicable law, the College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## ARTICLE IV: CODE OF CONDUCT PROCEDURES

The following procedures are designed to offer a fair process in determining, and when appropriate, sanctioning violations of the code and other College policies, but should not be confused with standards or procedures that apply in civil, criminal, or external administrative legal settings. The student discipline process governing reports of conduct alleged to be violations of the Sexual Assault and Sexual Misconduct Policy and/or violations of the sexual harassment section of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation can be found in this Handbook. (See sections on Sexual Assault and Sexual Misconduct Policy and the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.)

### Reports of Conduct and Student Discipline Hearings

Any member of the College community, including but not limited to students, staff or faculty, may make a report of conduct involving a student or student organization that may be a violation(s) of the code and/or other College policies. A report of such conduct can be made either orally or in writing and shall be directed to the dean of the school, or designee. All reports of conduct must be made within one year of the date of the alleged conduct and prior to the actual physical receipt by the respondent of the terminal degree from the College.

A report of conduct should include:

- The name of the student(s), or student organization, alleged to have violated the code or other College policy;
- A clear factual statement describing the nature of the conduct (date, time, place, witnesses); and
- The name(s), address(es) and telephone number(s) of those filing the report.

The dean of the school, or designee, will review all reports of conduct to determine which sections of the code and/or other College policies were allegedly violated and refer the case to the appropriate hearing process.

### Hearing Process

1. There are two hearing options to determine responsibility in student discipline matters for alleged violations of the code and/or other College policy:

- A hearing between a hearing officer and the student(s) individually;
- A hearing before a Disciplinary Hearing Board (DHB) panel.

The dean of the school, or designee, will decide which option will be used.

2. Students are required to participate in the student discipline process when they are called to a hearing or a DHB panel as a complainant, respondent or witness. Should a student fail to appear when proper notification has been given or should the student fail to provide a statement during the hearing, the hearing will proceed without benefit of that student's input. Meetings with hearing officers and/or DHB panels will be scheduled taking into consideration the student's regular academic schedule only.

3. Civil or criminal rules of evidence shall not apply, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless it is demonstrated by the student alleging the deviation that there is significant prejudice to the final

outcome of the discipline proceeding as it affects the student sanctioned or the College.

The results of lie detector tests will not be accepted in student discipline investigations or proceedings. Tape recordings are not made or permitted in any phase of the discipline process. Student discipline documents (including, but not limited to, contact reports, Public Safety reports and statements) may be reviewed on site at the College by the complainant and/or the respondent but may not be duplicated or photographed.

### Hearings

Responsible deans will appoint a trained Hearing Officer.

Students charged with a violation of the code or other College policy who is directed to meet with a hearing officer or board will receive either oral or written notice generally twenty-four (24) hours prior to the meeting time.

The hearing officer will meet with the student(s) to discuss the report of alleged conduct and determine an appropriate finding:

- It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the code or College policy; or
- It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the code or College policy and imposes sanctions, as appropriate.

After a decision has been rendered, the respondent will receive a letter summarizing the outcome and sanctions as appropriate, generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

If a sanction has been imposed, it is the responsibility of the student to ensure that the dean of the school or designee receives a note of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

### Disciplinary Hearing Board Panels

The Disciplinary Hearing Board (DHB) pool consists of approximately twenty (20) faculty, staff and students. The dean of the school, or designee, determines membership from students recommended by the dean of the school, faculty nominated by the Chair of the Academic Senate, and other staff of the College as recommended.

It is expected that DHB panel members will exhibit the highest ethical standards, disqualify themselves if they believe they cannot be impartial and/or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the complainant, the respondent, and any witnesses before, during, and after the process consistent with applicable laws and College policy governing student privacy rights. In addition, the dean of the school, or designee will decide, at his/her sole discretion, whether a DHB member can be impartial and will remove anyone whom he/she determines is unable to be impartial or respectful of the confidentiality of the process and the privacy of the individual(s) involved. The decision of the dean of the school or designee is final.

The dean of Student Life will provide training and orientation sessions for the DHB pool as needed.

Three (3) members of the DHB pool will generally be called to sit on a DHB panel based on availability and experience. Each DHB panel will identify a chair, whose role is to facilitate the hearing and to guide compliance with the process and procedures outlined below.

Students charged with a violation of the code or other College policies who are directed to meet with a DHB panel will receive oral or written notice generally twenty-four (24) hours prior to the meeting time.

Both the complainant and the respondent involved in a DHB panel proceeding has the option of choosing a member of the College community (faculty, staff, or student) to serve as an advisor to accompany them through the discipline process. The advisor may not be a parent, relative, an attorney or a representative of an attorney. The advisor is not an advocate for the student in the proceedings and may not address the DHB panel, or speak on behalf of the student regarding the discipline matter with other members of the College staff. The advisor may speak with the student privately and in a manner that is not disruptive to the hearing or discipline process. The respective student's advisor may be present at any time which the student they are advising is meeting with the DHB panel or other member of the College staff regarding the discipline matter and at which the student wishes them to be present. A person serving as the advisor is required to maintain the confidentiality of the nature of the allegation(s), the content of the discipline process, and the privacy of the complainant, respondent, and any witnesses known to the advisor. Students are strongly encouraged to choose an advisor to assist them in the discipline process; however, it is the student's decision as to whether to seek an advisor and, if so, who that advisor will be.

Student discipline hearings shall be conducted by a Disciplinary Hearing Board according to the following general guidelines:

- The Chair of the DHB panel will explain the procedures.
- The Chair will read the alleged violation(s) of the code or other College policy and will read (if written) or explain (if oral) the report of conduct.
- The complainant (if available) and respondent will be asked to make a statement regarding the allegation(s) of the complaint.
- The DHB panel may individually ask questions of the complainant, respondent, and any witnesses identified by either the complainant and/or respondent, as the DHB panel deems appropriate to the case.
- After all questions have been asked, and if they choose, the complainant and the respondent may make a closing statement to the DHB panel.
- The DHB panel will then meet in private and, based on their investigation and interviews, will deliberate on the information provided and determine an appropriate finding:
- It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the code or College policy; or
- It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the code or College policy and imposes sanctions, as appropriate.
- The chair will notify the dean of the school, or designee, of the hearing's outcome within twenty-four (24) hours of its

completion. The dean of the school or designee will communicate the finding of the DHB panel to the respondent in writing generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

If a sanction has been imposed, it is the responsibility of the student to ensure that the dean of the school receives notice of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

### **Confidentiality/Student Privacy**

Reasonable and appropriate effort is taken by the dean of the school and all other involved staff to protect the privacy of all individuals who may be involved in a student discipline proceeding as well as the confidentiality of the details and content of the student discipline process, including, but not limited to, an investigation, a hearing, or DHB panel proceeding, and, except where permitted by College policy and consistent with applicable law, the sanctions imposed and on whom. However, the College cannot guarantee absolute confidentiality. Individuals involved in the student discipline process, either directly or as a witness, are expected to maintain the confidentiality of the process and be mindful of the privacy of others involved.

### **Sanctions**

Sanctions are assessed in response to the specific conduct, the student discipline history of the respondent and in keeping with the policies and procedures described in this handbook so that the student's educational growth and personal development may take place. The assessment of sanctions within the student discipline process is itself part of the College's educational mission and process, even in the case of the sanction of Expulsion.

The following sanctions may be imposed upon any student found to have violated the code (more than one of the sanctions listed below may be imposed for any single violation):

- **Warning:** A notice in writing to the student or student organization that the student is violating or has violated the code or other College policy.
- **Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples include, but are not limited to on-campus student employment, recreational and/or social activities.
- **Loss of Recognition:** The College may de-recognize student organizations for a specific time period or permanently. In the case of the former, the time period and conditions for reapplying for recognition and resumption of the associated privileges will be outlined.
- **Fines:** As appropriate to the violation, a fine may be imposed.
- **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Programs/Projects/Activities:** Programs/Projects/Activities that help the student understand the inappropriateness of the conduct and designed to help the student become more aware of the code and other College policies. Examples include, but are not limited to, reflection papers or assignments, online programs, letters of apology, service to the College or an off-campus resource, or other related educational assignments.

- **Health/Counseling Assessment:** Referral to the Health and/or Counseling Center and completion of any recommended treatments.
- **Restricted Access:** Conditions imposed on a student that specifically dictate and limit his/her future presence on the campus and/or participation in College sponsored activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on the campus or a no contact order forbidding the student from contact with another member of the community.
- **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
- **College Suspension:** Separation of the student from the College (without refund) for a defined period of time, after which the student is eligible to apply for readmission. Readmission is not guaranteed. During the suspension period, the student is not permitted on campus and shall not participate in any off-campus College sponsored /affiliated activity.
- **College Expulsion:** Permanent separation (without refund) of the student from the College prior to the actual physical receipt of the College diploma. A student who is expelled will not be eligible to receive an academic degree from the College at any time. The student is not permitted on the campus and shall not participate in any off-campus College sponsored/affiliated activity. The College may rescind a College degree following the awarding of a College diploma, or may withhold the awarding of a degree pending the outcome of the student discipline process for a violation of the code or other College policy, that does, or would have the potential to, result in the sanction of Expulsion. The sanction of Expulsion is noted on the student's academic transcript. Expulsion is not considered to be punitive or a deterrent in the criminal or civil sense, but rather a determination by the College that the student has demonstrated by his/her conduct that he/she is unqualified to continue as a member of the College community.
- **Withholding Degree:** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this code, including the completion of all sanctions imposed, if any.

### Interim Suspension

In certain circumstances, the dean of the school or designee may impose an interim suspension of College privileges prior to the student discipline hearing.

Interim suspension may be imposed:

- 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 well being; or
- If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

During the interim suspension, a student may be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the dean of the school may determine to be appropriate.

The interim suspension does not replace the regular student discipline process, which shall proceed on the normal schedule, if required.

### Appeals

The decision of the student discipline hearing regarding responsibility may be appealed by the Respondent within five (5) business days of the decision. The purpose of the appeal is not to rehear the underlying student discipline case. The sole purpose of an appeal is determine if there is, in the first instance, sufficient information based on the written record before the appeal officer or Appeal Board to establish its jurisdiction to consider and decide the appeal and, if so, thereafter, to determine whether the information submitted by the student states sufficient grounds (see below) to grant the appeal and take any of the actions described below.

Only one appeal is permitted. Such appeals shall be submitted in writing, signed by the student and shall be delivered to the dean of the school. The appeal may only be submitted by the student and shall consist of:

- A completed Appeal Request Form (available in the dean of the school's office), and
- A statement outlining and supporting the specific basis upon which the student is appealing.

An appeal must be based on one or more of the following grounds or it will not be accepted and considered:

- A process or procedural error was made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.
- New information that was not available or known to the student appealing at the time of the hearing has arisen which, when considered, may materially alter the outcome. NOTE: Information that the appealing student chose not to present at the time of the hearing is not considered new information.
- The severity of the sanction imposed was not appropriate based on the section of the code or other College policy which the student was found to have violated.

The appeal officer or Appeal Board will not meet with the student or re- hear the case. The appeal officer or Appeal Board will consider the merits of an appeal on the basis of the information provided in the Appeal Request form, the student's written statement, the written record of the case, and the student's entire discipline record.

Anyone who may serve as a hearing officer may also serve as an appeal officer, but the dean or associate dean of the school are the primary appeal officers. The dean determines who will serve as the appeal officer except in appeals of the sanction of College Suspension or College Expulsion which will be heard by an Appeal Board.

For the sanction of College Suspension or College Expulsion, the Appeal Board is composed of the dean of the school or designee as chair and two (2) members of the DHB pool. If a DHB panel delivered the sanction of College Suspension or College Expulsion, those DHB panel members who delivered the sanction are not eligible to serve on that Appeal Board.

During the consideration of a request for an appeal, sanctions assessed by the hearing officer, Peer Council panel or DHB

panel shall not be in effect. However, the dean of the school may impose conditions or continue existing conditions governing the respondent's continued relationship with the College during the appeal process.

Based on the information provided in the Appeal Request form, the student's written statement, the written record of the case, and the student's entire discipline record, the appeal officer or Appeal Board will:

- Reject the appeal if it finds the basis for appeal unsubstantiated; or
- Reject the appeal if it finds that any procedural errors were minor in nature and would not have altered the outcome of the hearing or the sanctions imposed; or
- Modify the sanction(s) if they are found to be inappropriate; or
- Return the case to the hearing officer, or DHB panel for further consideration (which may, but does not, require a rehearing of the entire matter) if a procedural error or new information, as defined above, has arisen. In such cases, the same hearing officer, or DHB panel who originally heard the case shall reconvene as soon as possible. If the hearing officer or a member of the original DHB panel is no longer available, the dean of the school or designee will appoint another hearing officer, or in the case of the unavailability of one or more of the or DHB panel members, he/she will select additional or DHB panel members from the and DHB pools.

- Reverse the decision of the hearing officer, or DHB panel or remand the case to a new hearing officer, or DHB panel for further consideration where substantial procedural error is determined to have unfairly influenced the hearing.

If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

The appeal officer or Appeal Board chair will communicate its decision to the respondent in writing once a decision has been reached. The decision of the appeal officer or Appeal Board is final and no further appeals are permitted.

#### **Article V: Interpretation and Revision**

Any question of interpretation or application of the Student Code shall be referred to the dean of the school or designee, for final determination.

The Student Code shall be reviewed every two (2) years under the direction of the dean of the school.

#### **Article VI: Record Retention**

Discipline records are maintained by the dean of the school and are kept for four (4) years after the student earns a degree. For those students who are separated from the College, records will be maintained until four (4) years after their scheduled degree completion date. The College permanently maintains the records of those students who are expelled from the College.