

## IV. STUDENT RIGHTS & RESPONSIBILITIES

### DISCIPLINARY PROCEEDINGS

**1. DISCIPLINARY PROCEDURES FOR MISCONDUCT AND/OR INFRACTIONS** The focus of inquiry and goal of the University's disciplinary procedures is to determine whether a student has violated standards of conduct, rules and/or regulations in the Student Handbook and to impose consequences and/or discipline for any such violations as effectively and fairly as possible under the circumstances.

The following procedures will be employed in evaluating misconduct or infractions. If at any time it appears to the Dean of Students that the student's conduct may present clear and present danger to the campus community, the Dean of Students, in consultation with the University Provost, may suspend the accused student immediately, pending further investigation into the matter.

Please note this policy applies to all cases of student misconduct other than those addressed in the University's Anti-Hazing Policy, Policy on Prohibited Discrimination, Harassment and Related Misconduct (Including Sexual Harassment, Sexual Violence, Sexual Misconduct and stalking) and/or Equal Opportunity and Nondiscrimination Policy.

#### **STEP 1: Initial Inquiry and Investigator Assigned**

Whenever the University is notified of or discovers potential student misconduct, The Student Affairs Office shall be contacted.

The Student Affairs Office shall conduct an initial inquiry into the nature of the alleged misconduct, which may include a personal interview of the accused student or other witnesses. If, as a result of such inquiry, it appears to the Dean of Students or Director of Residence Life that facts exist potentially supporting a conclusion that the student engaged in misconduct, the matter will be formally investigated.

In general, formal investigations will be conducted by the Dean of Students. However, matters involving Residence Life may be formally investigated by the Director of Residence Life as determined by the Dean of Students. Additionally, in instances involving multiple University policies, schools, departments, and/or services, the Dean of Students may consult with the University's General Counsel and another University employee may be assigned to conduct the formal investigation as deemed appropriate. The University employee assigned to conduct a formal investigation is the "Investigator" for purposes of this policy.

#### **STEP 2: Formal Investigation**

The Investigator will review the allegations and evidence obtained in the course of the Student Affairs Office inquiry. The Investigator may also, seek to gather additional information, beyond what the Student Affairs Office gathered in its inquiry, including, but not limited to, additional statements or explanations from the accused student and/or witnesses. After such investigation, the Investigator will decide whether there is sufficient reason to conclude that the Student's alleged misconduct violated the standards of conduct, rules or regulations in the Student Handbook.

### **STEP 3: Disciplinary Notice**

If the Investigator concludes that the student's misconduct violated the standards of conduct, rules or regulations in the Student Handbook, consequences and/or discipline will be imposed against the offending student consistent with the sanctions outlined in this policy. Students will be notified in writing by the Investigator of the outcome of the investigation as well as any consequences and/or discipline imposed (collectively, the "Disciplinary Notice". If the Investigator is not the Dean of Students, the Dean of Students shall be copied on any Disciplinary Notices sent to a student.

### **STEP 4: Right to Appeal**

The vast majority of decisions made by the Investigator shall be final, without right of a student to appeal. Unhappiness or disagreement with a Disciplinary Notice is not grounds for appeal.

When an appeal is permitted, the disciplinary decision contained in the Disciplinary Notice will remain operative pending the appeal.

A student may appeal a Disciplinary Notice only in the following very limited circumstances:

- a. There is clear and convincing evidence of a procedural error or irregularity that affected the decision. (Deviations from prescribed procedures do not necessarily invalidate a decision or proceeding. Such errors will only be grounds for reevaluation of a disciplinary decision when it is shown that the accused student or the University was significantly prejudiced by the error or irregularity).
- b. New and significant evidence has become available that was not available at the time of the investigation.
- c. The discipline imposed by the Disciplinary Notice was suspension or dismissal from the University or termination of the student's housing contract.

Any appeals meeting the above criteria shall be made in writing to the University Provost within 3 business days of receipt of the Disciplinary Notice, except that appeals for the termination of a student's housing contract shall be made in writing to the Dean of Students within 3 business days of receipt of the Disciplinary Notice.

### **STEP 5: Appeal**

The following procedures apply to appeals:

- a. An appeal must present specific information in writing that grounds for appeal exist. Appeals will be reviewed only if grounds exist.
- b. Appeals are reviewed solely on the basis of the written statements of the student involved in the matter except for the appeals based on the discovery of new information. In such cases, the student will be provided with a reasonable opportunity to present new information not available at the time of the investigation.
- c. The University Provost will review the appeal and render a decision within a reasonable period of time, considering such factors as the University Provost's schedule, other commitments, vacation periods and absence from the University.

- d. Appeal decisions will be communicated in writing by the University Provost to the student, with a copy to the Dean of Students.

## 2. SANCTIONS

All violations of the standards of conduct, rules or regulation in the Student Handbook can result in consequences and/or discipline, including but not limited to dismissal or suspension from the University and/or immediate removal from University property. Criminal and/or civil charges may be brought, based on the severity and circumstances of any violation and the actions of the student involved.

The following sanctions will be utilized by the University through this process as deemed appropriate. No sanction listed will require previous disciplinary action as a prerequisite to its imposition.

- a. **Disciplinary Warning:** A written statement of reprimand for specified conduct, which also indicates that future violations will result in more severe sanctions.
- b. **Disciplinary Probation:** A sanction which defines a student's status for a specific amount of time; future infractions may result in either probation with restrictions, suspension or dismissal.
- c. **Disciplinary Probation With Restrictions:** A sanction that defines a student's status for a specified amount of time and includes restrictions and/or revocation of campus privileges. The privileges that may be impacted include, but are not limited to, any or all of the following: holding office or membership in any campus student organization; participating in intercollegiate sports; representing the University or its organizations in any public event; or other privileges that seem appropriate. Future infractions may result in suspension or dismissal.
- d. **Disciplinary Suspension:** A student who earns disciplinary suspension will be excluded from the University campus, classes and other on and off campus University activities for a specific period of time. The period of time may range from several days or weeks to the remaining portion of a semester or for a period of time beyond one semester. The student may be asked to seek and/or complete counseling as a condition or term of suspension.

A student given the sanction of suspension is excluded from classes with no right to take tests or make up work missed during the period of suspension. Reinstatement following suspension may be conditional on the continuation of sanctions or restrictions and/or the issuance of new or additional sanctions or restrictions.

This sanction will be noted on the official University transcript including the specific period of time the sanction is in place.

- e. **Disciplinary Dismissal:** Disciplinary dismissal results in the permanent termination of a student's status with the University. The dismissed student is not allowed on campus, permitted to attend classes, or participate in University activities on or off campus. Disciplinary dismissal is permanent and will be noted on the student's official transcript.
- f. **Fines:** The amount of fines will be set at the sole discretion of the University. The fine schedule listed below is a general starting point of possible fines. (*Fines can be less or more based on the severity of the violation and the circumstances surrounding the incident.*)

This information is part of Mount St. Joseph University's Student Handbook.

Alcohol Policy .....	min. \$50.00
Candle Policy .....	min. \$50.00
Drug Policy .....	min. \$100.00
Entrances Policy .....	min. \$50.00
Failure to Comply.....	min. \$100.00
Fire Policy.....	min. \$50.00
Guest and Escort .....	min. \$50.00
Improper Checkout .....	min. \$25.00
Lost Key.....	min. \$125.00
Lost Student ID.....	min. \$15.00
Noise Policy.....	min. \$25.00
Noxious Odor.....	min. \$50.00
Theft.....	min. \$50.00
Smoking/Tobacco/Marijuana Policy .....	min. \$50.00
Unauthorized Entry Policy.....	min. \$50.00
Vandalism/Damage Policy .....	min. \$50.00
Visitation Policy .....	min. \$15.00

This list of violations and fines is **NOT** all-inclusive. Other violations can occur and will result in appropriate fines. Second and subsequent violations will result in higher fines than the ones listed above. This list is simply an illustration to outline possible sanctions.

- g. Restitution:** Reimbursement for damage, destruction, theft, or misappropriation of property. This is not a fine, but a charge to repair, replace or compensate for property.
- h. Notification to Others:** Informing those deemed appropriate. Notification can include the student’s parent or legal guardians when the student is defined as a “dependent under the law pertaining to such notification and faculty, staff, advisors, or coaches or Student Affairs staff. Notification also may be sent to appropriate University departments (i.e., Student Engagement, Athletics, etc.). Additionally, in situations with both parties (complainant(s) and/or respondent(s), All parties will be informed of the outcome including sanction information on any institutional Proceeding pertaining to the University’s Policy on Prohibited discrimination, harassment and Related Misconduct (Including Sexual Harassment, Sexual Violence, Sexual Misconduct and Stalking) and in other cases as deemed appropriate by the University in its sole discretion,
- i. Educational/Work Assignment/Community Service:** An assignment to be completed by a specified time in a satisfactory manner. It can include cleaning, repairing or restoring property, accompanying staff during responsibilities, making signs, coordinating and/ or presenting programs, writing reports, meeting with University officials, assisting staff with responsibilities, or writing one or more letters of apology.
- j. Counseling:** Students may be asked to seek counseling or other professional assistance when it is believed that conduct is a result of the student’s personal issues or problems.
- k. Loss of Privileges:** Loss of privileges can include the privileges of visitation; holding office or membership in any campus student organization; participating in intercollegiate sports; representing the University or its organizations in any public event; or other privileges that seem appropriate for a specified period of time.

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- l. Removal of Property:** Removal of property (i.e. televisions, Blue Ray players, microwaves, etc.) From University property or a designated area.
- m. Restricted Access:** Restrictions from entering certain designated areas for a specified period of time.
- n. Room Transfer:** Transfer of one or more resident students to another room, floor, section, etc. at the student's cost.
- o. Termination of Housing Contract:** Discontinuation of housing for students assigned to a residential unit.
- p. Mandatory Withdrawal from University Housing:** In addition to other sanctions set forth herein, students will be subject to mandatory withdrawal from Seton Residence Hall if they:
  - 1. Engage, or threaten to engage, in behavior that poses a danger of causing physical harm to self or others; or
  - 2. Engage, or threaten to engage, in behavior that would cause significant property damage, or directly and substantially impede the lawful and the educational activities of others.

**Noncompliance with disciplinary restrictions or sanctions can result in a hold being placed on a student's registration for the upcoming semester and/or additional disciplinary action.**