

# IV. STUDENT RIGHTS AND RESPONSIBILITIES

## DISCIPLINARY PROCEEDINGS

### 1. DISCIPLINARY PROCEDURES FOR MINOR VIOLATIONS OF UNIVERSITY REGULATIONS OR POLICIES (CASES OF STUDENT MISCONDUCT WHICH WILL NOT SUBJECT A STUDENT TO SUSPENSION OR DISMISSAL)

Authorized personnel as designated by the Dean of Students will handle minor violations of any University regulation or policy stated in the *University Catalog*, *Student Handbook* or published or announced by the University in any other manner. Disciplinary action in such cases may include one or more of the sanctions listed in *Section IV.L.3*, up to but not including the level of suspension or dismissal. The Coordinator of Residence Life (or other authorized personnel designated by the Dean of Students) will handle all cases of a nature not subjecting the student to suspension or dismissal from the University. In these proceedings an accused student will be directed to meet with the Coordinator of Residence Life or designated personnel and discuss the information surrounding an incident appearing to be in violation of policy. Information is collected from all sources surrounding an incident. Based on the information, the Coordinator of Residence Life will determine if a policy violation occurred and the level of responsibility of involved student(s). If a student is found in violation of a policy, sanctions will be imposed. Sanctions imposed for a first offense typically include (but are not limited to): Fines, Disciplinary Probation (for time periods of no less than 4 weeks), and an Educational/Work Assignment/ Community Service Project related to the violated policy. Depending on the circumstances of the incident, other sanctions may be imposed. *See Section IV.L.3 for further definition.*

If there is a second offense within a disciplinary probationary period, fines will increase, disciplinary probation will be extended, and the educational sanction will become more involved. Again, other sanctions may be imposed based on the circumstances of the incident. Students who are disciplined for such infractions may file a written appeal to the Dean of Students. Such appeal shall identify the case and contain a concise statement of the reason for the appeal and shall be filed within 72 hours of written or verbal notification of the sanction(s) decision. The Dean of Students shall consider the appeal as promptly as possible and may, in the exercise of the Dean's sole discretion, seek to gather additional information, including, but not limited to, additional statements or explanations from the appealing student. The decision of the Dean of Students in such cases is final and shall not be subject to review by or appeal to any higher authority. Unhappiness or disagreement with the disciplinary action is not grounds for appeal.

### 2. DISCIPLINARY PROCEDURES FOR MORE SERIOUS MISCONDUCT AND/OR INFRACTIONS (CASES OF STUDENT MISCONDUCT WHICH MAY SUBJECT A STUDENT TO SUSPENSION OR DISMISSAL, BUT NOT INCLUDING SEXUAL VIOLENCE)

The focus of inquiry and goal of the University's disciplinary procedures is to determine whether standards of conduct or rules and regulations have been violated and to impose sanctions for any such violations as effectively and fairly as reasonably possible under the circumstances. The following procedures can be employed in evaluating misconduct or infractions of a more serious nature. 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.

#### **STEP 1.**

Upon being advised of or discovering potential student misconduct, including, but not limited to, the items listed in *Section IV.G.1* above, one or more authorized representatives within the Student Affairs Office shall conduct a reasonable investigation into the nature of the alleged misconduct, which may

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include a personal interview of the accused student. If, as a result of such investigation, it appears that there are facts supporting a conclusion that the student engaged in misconduct, the matter will be referred to the Dean of Students or Coordinator of Residence Life.

### **STEP 2.**

The Dean of Students and/or the Coordinator of Residence Life when appropriate will review the allegations and evidence obtained in the course of the investigation. The Dean of Students and/or the Coordinator of Residence Life may also, in either of their sole discretions, seek to gather additional information, including, but not limited to, additional statements or explanations from the accused student. After such review, the Dean of Students and/or the Coordinator of Residence Life when appropriate may render a decision regarding whether the alleged misconduct or infraction occurred and what, if any, disciplinary action will be taken.

### **STEP 3.**

The vast majority of decisions made by the Dean of Students shall be final, with no further right to appeal. Unhappiness or disagreement with the disciplinary action is not grounds for appeal. When an appeal is permitted, the decision appealed from will remain operative pending the appeal. A student may appeal a determination of the Dean of Students 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 hearing.
- c. The discipline imposed was suspension, dismissal or termination of the student's housing contract.

All appeals of decisions by the Dean of Students shall be made in writing to the University Provost within 3 business days of written or verbal notification of the challenged decision, or within 10 days of a decision rendered as a result of a formal investigation of violations of the **Policy on Sex Discrimination, Sexual Misconduct and Interpersonal Violence**.

- 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 individual involved in the matter except for the appeals based on the discovery of new information. In such cases, the student will be presented 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.

### **3. SANCTIONS**

All violations of policy can result in dismissal, suspension, immediate removal from University property, or arrest based on the severity of the violation and the actions of the individuals involved. The following sanctions will be utilized as deemed appropriate and 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.

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- 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.*)

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. \$75.00
Lost Student ID.....	min. \$15.00
Noise Policy .....	min. \$25.00
Noxious Odor.....	min. \$50.00
Theft.....	min. \$50.00
Tobacco 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 a general gauge 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 parents or legal guardians when the student is defined as a "dependent" under the law pertaining to such notification, and faculty, advisors, coaches or Student Affairs staff. Notification also may be sent to appropriate University departments (i.e., Student Engagement, Athletics, etc.). Additionally, both parties (complainant and respondent) 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).
- 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.
- l. Removal of Property:** Removal of property (i.e. televisions, Blu 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.
- 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.**