


<b>Policy #:</b>	<b>SA 4.02</b> (16 pages)
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Category:	Campus Community Standards/Student Conduct
<b><u>Topic:</u></b>	<b><u>Student Conduct Process Policy</u></b>
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Signature:	
Title:	Vice President for Student Affairs
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## **THE STUDENT CONDUCT PROCESS POLICY**

### **A. PREAMBLE**

The Student Conduct Process Policy at Neumann University is designed to facilitate reasonable and fair action so as to further student learning, healing, and development. This policy provides a summary of the University's Student Conduct Process for alleged violations of University policies, except that to the extent there is any conflict, this Policy is superseded by the University's Title IX Sexual Harassment and Community Standards Sexual Misconduct Policy and Procedures SA 4.05. All alleged violations of Title IX Sexual Harassment are processed through the University's Title IX Sexual Harassment and Community Standards Sexual Misconduct Policy and Procedures SA 4.05.

### **B. SCOPE AND JURISDICTION**

This policy applies to: full-time and part-time undergraduate students, including those who have met all requirements for a degree, but not yet walked at graduation and/or received a diploma, those who choose to take a leave of absence, any accepted students; all students on a study abroad program, whether the program is conducted by Neumann University, an institutional partner or affiliated program, such as another college or university, or a private contractor; graduate and adult students; students taking courses online; all recognized student organizations including clubs, teams, or student groups; and behaviors occurring on and off campus. If a student engages in prohibited activity on behalf of or while participating in a student organization, both the student and the organization may be charged with a violation(s) of the applicable University policy.

### **C. DEFINITIONS**

The **Student Conduct Board** is comprised of students, faculty, and administrative staff members, approved by the Vice President for Student Affairs who have the opportunity to serve on both

Hearing Boards and the Appeal Boards. The Student Conduct Board upholds the Neumann University Mission and strives to preserve the rights and responsibilities of members of the Neumann University community. The Conduct Board hears cases of alleged student misconduct. The Student Conduct Board decides whether or not the student/organization is responsible for a violation of the policies based on the information presented at the hearing. The Student Conduct Board uses the preponderance of the evidence standard to determine if it is more likely than not that a violation has occurred. Should the Student Conduct Board find the student/organization responsible for the alleged policy violation, the Board will then decide the appropriate sanctions and communicate those sanctions to the Chair of the Student Conduct Board. The Student Conduct Board shall maintain confidentiality regarding the process, evidence, and outcomes except as mandated by law, or permitted by FERPA. Failure to do so is a violation of University policy.

The **Chair of the Student Conduct Board** shall serve as designated by the Vice President for Student Affairs and is a non-voting member of the Board. The duty of the Chair is to provide procedural direction and act as an impartial facilitator for the work of the Board. The Chair is responsible for receiving the recommended sanctions from the Board and communicating the outcome to the accused student/organization.

The **Student Conduct Officer(s)** are the Vice President for Student Affairs, Dean of Students, or his/her designee(s). The Student Conduct Officer reviews Incident Reports to determine if a violation of University policy has occurred and hears cases of alleged student violations of University policy. A Student Conduct Officer can Chair the Student Conduct Board, but only in instances when he/she has had no prior involvement in the case being heard.

A **Complainant** is a member of the University community or external party who has filed a report of an alleged violation of the Student Code of Conduct. *Note: The University may investigate a report or complaint of misconduct regardless of whether the Complainant desires the University to pursue the report or complaint, if the University has cause to believe that the action reported or complained of may constitute a violation of University policy, breach of applicable law, or a threat to the University community.*

A **Respondent** is an individual student or organization accused of misconduct that may be a violation of University policy or policies.

A **Reporter** is an individual who reports alleged student misconduct or an alleged violation of University policy. The Reporter may be the Complainant, Witness, or any other member of the University community or external party, including students, faculty, administrators, or staff.

A **Witness** is an individual that may have information that is important for the University to discover in order to resolve a student conduct matter.

A **Student Conduct Advisor** is a trained member of the Neumann University community who supports a complainant or respondent through the student conduct process. Students have the right to a support person of their choosing and may request one individual to be present in substitution for a Student Conduct Advisor. The Student Conduct Advisor or support person

cannot represent the student during proceedings and cannot address the Student Conduct Officer or Student Conduct Hearing Board unless otherwise authorized by the Vice President for Student Affairs or Dean of Students. Student are encouraged, but not required, to request a Student Conduct Advisor.

The **Preponderance of the Evidence Standard** refers to the standard of proof required in adjudicating student conduct matters. This standard requires that the Student Conduct Officer or Student Conduct Board must determine that it is more likely than not that the allegation of student misconduct is true in order to find the student/organization responsible for the policy violation. The preponderance of the evidence standard is used by Neumann University in all of its student conduct processes and procedures.

#### **D. ACCOMODATIONS**

Just as students with disabilities may be eligible for accommodations in their classes, accommodations may be available for the student conduct process. Students with disabilities who are requesting accommodations or services during the student conduct process are required to present a current accommodations document or letter from the Disabilities Services office. The request for accommodations must be received by the Office of the Dean of Students at least two business days prior to the scheduled student conduct meeting or hearing. For additional information on Neumann University's accommodations process, please visit the Disabilities Services office at <https://www.neumann.edu/academics/arc/disabilities.asp>.

#### **E. REPORTING ALLEGED VIOLATIONS**

Prompt reporting allows evidence to be preserved, witnesses to be interviewed, a complaint to be initiated, and any student conduct /resolution process to move forward most effectively.

While prompt reporting is important, reports may be made to the University at any time. It is important, however, to understand that the ability to investigate a report, and take action to resolve the matter, becomes more limited as time goes on.

Any member of the Neumann University community (i.e., students, faculty, administrators, and staff) may initiate a Complaint against a student, students, or an organization for a suspected or alleged violation of University policy or policies while the student is enrolled at Neumann University. Complaints are made by completing an on-line incident report form via the University's incident reporting webpage at <https://www.neumann.edu/incident-reporting> or by contacting Campus Safety at 610-558-5555. Please note that if this is an emergency or there is an immediate threat to health or safety, contact Campus Safety at 610-558-5555 or dial 911.

Following review of the incident report form, the Respondent student/organization will be informed as soon as possible that a Complaint has been submitted against him/her/it and has the right to review the allegations.

While anonymous reporting and Complaints are permitted, they will make the University

process more difficult, and sometimes impossible, to proceed.

#### **F. THE INVESTIGATION**

In certain circumstance, the University may require an investigation to determine if a Respondent will be charged with an alleged violation of University Policy. These circumstances include violation of SA 4.04 Bullying, Harassment, Disorderly or Disruptive Conduct, and Violence or SA 4.05 Title IX and Community Standards Sexual Misconduct Policy. The investigation is designed to provide a thorough, impartial, and fair gathering of facts, and all individuals will be treated with appropriate sensitivity and respect throughout the process. The University may designate an Investigator of its choosing from either inside or outside of the University to conduct the investigation. The Investigator may not serve as the Student Conduct Officer in any resulting proceedings such as the Informal Resolution or Formal Resolution or serve as Chair of the Student Conduct Hearing Board for this case.

The University will seek to conduct the investigation in a timely manner and usually within 30-45 days of receiving the Complaint. This time may be extended depending on the complexity of the circumstances of each case.

The Investigator will coordinate and conduct fact gathering from the Complainant, the Reporter (if different from the Complainant), the Respondent, and any other individuals, such as Witnesses, who may have information relevant to the ultimate determination of responsibility for the policy or policies allegedly violated. The Investigator will also gather any available evidence, including documents, communications between the parties, and electronic records as appropriate.

Where circumstances warrant, the Complainant and Respondent may: (a) meet with the Investigator; (b) submit comments and information to the Investigator; (c) identify any additional witnesses or evidence for the Investigator to pursue; and (d) submit any further questions that they believe should be directed by the Investigator to the other party or to any witness. In the absence of good cause, information discoverable and witnesses identifiable through the exercise of due diligence that are not provided to the Investigator will not be considered by the Student Conduct Board and will not be considered in the determination of responsibility for a violation of the policy or policies allegedly violated.

At the conclusion of the investigation, the Investigator will prepare an Investigation Report. The Investigation Report may include assessments of credibility, a recommended finding as to responsibility, and recommended sanctions, if appropriate. In making the responsibility determination, the Investigator will use the preponderance of the evidence standard.

The Investigator will submit his/her report to the Dean of Students and this report will be shared with the Student Conduct Officer or Student Conduct Hearing Board, as necessary. Complainants and respondents may request to review a redacted copy of the Investigation Report by contacting the Dean of Students.

#### **G. THE CHARGING PROCESS**

The Student Conduct Officer determines whether the Complaint as stated in the Incident Report Form is sufficient to warrant a charge or whether the Complaint should be dismissed. It is in Student Conduct Officer's sole judgment and discretion whether to proceed with a charge.

If, in the Student Conduct Officer's sound discretion, he/she determines to not proceed with a charge, the Complainant, Respondent, and Reporter where appropriate, will be notified in writing that a charge will not be pursued and the matter will be closed. The decision to not proceed with a charge cannot be appealed.

If, in the Student Conduct Officer's sound discretion, he/she determines to proceed with a charge, the Respondent will receive a written notice of Charge via electronic or paper letter, which shall include:

- The nature of the alleged offense, stating the place and time of the occurrence, and the specific University policy or policies that the Respondent is alleged to have violated;
- The possible range of sanction(s) corresponding to such violation(s);
- Notice of the date, time and place of the scheduled meeting or hearing with the Student Conduct Officer or Student Conduct Hearing Board;
- The date and manner by which the Respondent must respond to the charge(s) and the location of the meeting at which time the Respondent will respond to the charge;
- A disclaimer that if the Respondent fails to respond to the charge at the date and time indicated in the letter, the Student Conduct Officer may proceed without the Respondent and a decision may be made against the Respondent without further notice; and
- A prohibition against retaliation towards the Complainant, Reporter, Witness, or Student Conduct Officer.

Upon receipt of the Charge letter, the Respondent shall be given no less than three business days notice of an Informal Resolution meeting/hearing with the Student Conduct Officer and five business days for the Formal Resolution. The Respondent has the right to accept or deny the allegations, and provide a personal statement regarding the incident. If the Respondent fails to respond or attend the meeting/hearing, the case may proceed without the Respondent and a decision may be made against the Respondent without additional notice.

The Respondent is deemed to have received the Charge letter when he/she is personally given a copy of the notice via electronic or paper copy or, in the case of an organization, when any officer of the organization is personally given a copy. The notice may be delivered in person, sent by certified mail to the student's or student organization's permanent address of record, or by email, return receipt requested, to the student's neumann.edu account, which all students are obligated to check on a regular basis.

## **H. COORDINATION WITH LAW ENFORCEMENT**

It is important to emphasize that in cases where a crime also may have been committed, neither law enforcement's decision of whether or not to prosecute the Respondent, nor the outcome of any criminal prosecution or civil litigation, is determinative of whether a violation of University

policy or policies has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

In certain circumstances, the University may be requested to delay temporarily the fact-finding portion of its internal student conduct process while law enforcement officials are gathering evidence, but once notified that law enforcement has completed its gathering of evidence—but not the ultimate outcome of the investigation or the filing of any charges—the University will promptly resume and complete its internal student conduct process.

Regardless of whether a criminal or civil complaint is filed, the University will pursue its own internal processes to address the alleged conduct, and it expects that all those involved will participate in the process. The fact that an individual (Complainant, Reporter, Respondent and/or witness) declines to participate in the University process does not mean that the student conduct process will not take place if the University deems it appropriate to proceed.

Because the University reserves the authority to require different and/or higher standards of conduct than may be required by law, a University hearing will not be subject to challenge on the ground that external charges or litigation involving the same incident have been dismissed or reduced.

## **I. RESTORATIVE RESOLUTION PROCESS**

Restorative resolution, through a process that reflects Neumann University's mission and Catholic, Franciscan core values, may be an acceptable means of resolving a student conduct matter. During the student conduct process, Complainants may request a restorative resolution to the incident or the Student Conduct Officer may refer the incident to restorative resolution if appropriate. The purpose of a restorative resolution process is to promote reconciliation and create an agreement among the involved parties. This process promotes an opportunity for discussion of varying points of view, requires involved parties to consider perspectives of all involved, and encourages individuals to seek means to resolve the incident and prevent the occurrence of future incidents. During a meeting facilitated by a Student Conduct Officer, the involved parties will develop an agreement that each person is then responsible for upholding. Restorative resolution can be used only when all involved parties agree to the process as an option of resolving the incident. If a mutually agreeable restorative outcome is reached, the terms will be drafted by the Student Conduct Officer and signed by the involved parties. The document will be kept in student's confidential student conduct file. Each party receives a copy of the agreement. If the matter cannot be resolved during the restorative resolution process, or parties do not comply with the agreed restorative outcome, the matter will be referred for further student conduct action. Neumann University reserves the right to deem an incident as inappropriate for the restorative resolution process.

## **J. SIMPLE RESOLUTION PROCESS**

Simple Resolution is a formal written process designated for a student's first offense involving a minor allegation of a violation of Neumann University policy. A Student Conduct Officer reviews

the incident report and all related information and sends the student notice, generally via their Neumann University email, of the alleged violation(s) and recommended sanction(s). If a student, accepts responsibility for the violation(s) and agrees with the recommended sanction(s), a formal record of the simple resolution, along with pertinent information, will be maintained in the student's conduct file. If a student disagrees that a violation has occurred or disagrees with the recommended sanction(s), he/she may request an administrative hearing through Informal Resolution within five business days of the date of the Simple Resolution notice.

Neumann University reserves the right to deem an incident as inappropriate for the Simple Resolution Process.

## **K. INFORMAL RESOLUTION PROCESS**

Neumann University offers Informal Resolution as its administrative hearing process for alleged student violations of University policies. Respondents may be referred to Informal Resolution as determined by the Student Conduct Officer based on the nature of the violation. Informal Resolution is an administrative hearing which involves a single Student Conduct Officer and single Respondent at the time of the meeting. A Respondent always has the right to request a hearing before the Student Conduct Board. This request must be made to the Dean of Students prior to the date and time set by the Student Conduct Officer for the Informal Resolution meeting. Neumann University reserves the right to determine if the request for a Student Code Board Hearing is appropriate based on the alleged violation and circumstances of the incident.

During the Informal Resolution meeting, the following may occur:

- The Respondent can accept responsibility for the violation(s) as charged and the sanctions as imposed by the Student Conduct Officer which as a result waives his/her right to an appeal;
- In the event that the Respondent does not accept responsibility for the violation(s) as charged and the sanctions as imposed by the Student Conduct Officer, the Student Conduct Officer will make a determination of responsibility using the preponderance of the evidence standard and assign appropriate sanctions if the Respondent is found responsible for violating University policy;
- A student retains the right to an appeal if the Student Conduct Officer makes the determination of responsibility. Appeals of the Informal Resolution Process are made to the Dean of Students. In cases where the Dean of Students is the Student Conduct Officer at the Informal Resolution, appeals are made to the Vice President for Student Affairs. Appeals must be made within five business days.

Neumann University reserves the right to deem an incident as inappropriate for the Informal Resolution Process. Cases that do not meet the criteria for the Informal Resolution, including but not limited to cases that involve expulsion from the University or cases that involve repeated offenses by the respondent, will be referred to Formal Resolution.

Informal Resolution may result in formal sanctions as described in the Sanctions section of the Student Conduct Process Policy SA 4.02. Violations will be noted on the student's conduct

record. The conduct record is maintained per the University's records retention policy.

If the Respondent does not appear for his/her Informal Resolution meeting with the Student Conduct Officer and does not provide an adequate reason for the absence that day, a decision and sanction will be determined based on the Incident Report, information provided by witnesses, and any other information pertinent to the report. The University reserves the right to administer additional sanctions for a respondent's failure to respond to the process.

## **L. FORMAL RESOLUTION PROCESS**

If the student or student organization requests and is approved for a Formal Resolution Process, or the Student Conduct Officer determines that the Formal Resolution Process is appropriate, the case shall be resolved through a Student Conduct Board Hearing. Alleged violations of the Title IX Sexual Harassment are not eligible for the Formal Resolution process outlined herein but shall be handled consistent the Title IX and Community Standards Sexual Misconduct Policy SA 4.05.

### **Timeframe for Formal Resolution of a Charge**

Neumann University will strive to complete the Formal Resolution process, including the investigation, the hearing process, and rendering of a resolution, in a timely matter; however, extenuating circumstances may arise that cause a delay. Extenuating circumstances may include, but are not limited to, the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

If an investigation, hearing process and a resolution cannot be completed within sixty days, the University will notify the Respondent (and, where appropriate, the Complainant) of that fact and provide a timeframe for completing the investigation, and provide additional updates/extensions as appropriate.

### **Notice of Formal Resolution Before the Student Conduct Board**

A notice of the charge(s) and the Student Conduct Board Hearing will be delivered to the Respondent, and the Complainant and/or Reporter and witnesses where appropriate. The Notice shall include:

- The specific University policy or policies that the Respondent has been charged with violating;
- The alleged circumstances supporting the charge(s);
- The date, time, and place of the hearing;
- A list of potential witnesses and any other information that may be presented against the Respondent at the hearing;

Notice that the Respondent must produce a statement identifying potential witnesses and any other information that he/she/it intends to present at the hearing to the Office of the Dean of



Students in a reasonable amount of time prior to the hearing, but no later than two business day prior to the hearing.

At this point, the Student Conduct Officer may represent any Complainant who chooses not to act as the Complainant in their case, and present the case for the University. A designee may be selected to assume the role of the Student Conduct Officer during Formal Resolution, and it shall not be the Student Conduct Officer who engaged any investigation or other form of resolution prior to the incident being referred to Formal Resolution.

The Notice of Hearing must be received by the Respondent at least five business days prior to the hearing date. The Respondent is deemed to have received the Notice of Hearing when he/she is personally given a copy of the notice or, in the case of an organization, when any officer of the organization is personally given a copy. The written notification shall be sent by certified mail, return receipt requested, to the student's or organization's permanent address of record, or by email, return receipt requested, to the student's neumann.edu account, which all students are obligated to check on a regular basis.

Two or more students or organizations may be scheduled to participate in group hearing together as Respondents if they are alleged to have taken part in the same incident, act, event, or series of related acts. The University policy alleged to have been violated and/or the alleged factual circumstances of the violation need not be identical for participation in a group hearing. Any student or organization required to participate in a group hearing may file a request for a separate hearing, citing specific reasons that a group hearing would unfairly prejudice the case. A request for a separate hearing must be submitted in writing to the Dean of Students within two business days after receipt of the Notice of Hearing. The Dean of Students, Student Conduct Board Chair, or a designee will make the decision regarding the request and notify the student or organization. The decision is binding and not appealable.

### **Procedures and Standards for Student Conduct Board Hearings**

The purpose of a Student Conduct Board Hearing is for members of the Neumann University Community to respond to the behavior of one or more of its members and make a determination of responsibility, and if appropriate sanctions, for alleged violations of University Policies, Student Code of Conduct, and the Neumann University Undergraduate and Graduate Catalogs. The Student Conduct Board upholds the mission and Catholic, Franciscan values of Neumann University. Student Conduct Board proceedings are meant to assure that students understand that they are accountable for their actions and the consequence of those actions.

The Chair presides over the hearing and conducts the procedures for the hearing. The procedures for hearings are as follows:

- a. For a Student Conduct Board Hearing to proceed, a minimum of three appointed Student Conduct Board members and the Student Conduct Hearing Board Chair must be present at all times during the hearing including deliberations and sanctioning.

- b. If a Respondent fails to attend a scheduled hearing, the Student Conduct Board may move forward with the Formal Resolution, or reschedule it, at its discretion. Decisions will be made based on the evidence presented and statements made at the time of the hearing.
- c. Neither the Pennsylvania Rules of Evidence nor the Federal Rules of Evidence nor the procedures of a court of law apply to Student Conduct Board hearings. Any challenges to presented evidence or questions of admissibility of evidence or procedures will be decided by the Chair. The Chair may place limits on testimony and rule on admissibility of such testimony.
- d. The Respondent and the Complainant or Student Conduct Officer (on behalf of the University) shall have the right to call witnesses to support their positions. Witnesses must be named in previously submitted written statements, as provided above, and approved by the Dean of Students. Anonymous testimony nor character statements or character witnesses are admissible. It is expected that all persons making statements or answering questions at the hearing do so truthfully – failure to do so is, itself, a violation of University policy and the Student Code of Conduct.
- e. Witnesses will be asked to wait at another location until they are called by the Chair to give testimony at the hearing.
- f. A Student Conduct Advisor may accompany the Complainant and/or Respondent during the hearing. A Student Conduct Advisor serves as a guide to the Complainant and/or Respondent during the hearing. The Complainant and/or Respondent may seek guidance from the Student Conduct Advisor, and the Student Conduct Advisor may give advice to the Complainant and/or Respondent. However, a Student Conduct Advisor is not legal counsel for the Complainant and/or Respondent at the hearing. Further, a Student Conduct Advisor may not speak for the Complainant and/or Respondent or otherwise direct questions to or address others present in any hearing (e.g. the Investigator, opposing party, witnesses, and/or the person conducting the hearing). A Student Conduct Advisor cannot also serve as a witness or perform any other role during the student conduct process. The University may remove or dismiss a Student Conduct Advisor who becomes disruptive or who does not abide by the restrictions on their participation, as determined by the Chair.
- g. Neither party, nor the Student Conduct Board, nor any witness, nor Student Conduct Advisor, nor participant in the hearing, may be represented by legal counsel at the hearing.
- h. All hearings are closed to the public. No person other than the Student Conduct Officer, the Respondent or a representative from the Respondent organization, Student Conduct Advisor, Student Conduct Board members, and witnesses will be permitted to attend the Hearing. No recordings are allowed of proceedings.
- i. Any individual participating in the hearing may request a recess. Recesses should be kept short and to a minimum. If they become excessive in number or length, the person asking for a recess may be asked to provide a reason for their request. The Chair may approve or deny a request for a recess.
- j. The hearing shall proceed as follows:
  - i. The hearing will begin with the Chair reading the University's Mission

- Statement, and the Purpose of the Student Conduct Board.
- ii. The Chair will read a summary of information from the Incident Form, Notice of Charge, and Notice of the Hearing and provide copies to the Student Conduct Board.
  - iii. The Student Conduct Officer or Complainant will make an opening statement, then the Respondent may choose to make an opening statement.
  - iv. The Student Conduct Officer or Complainant will present his/her evidence and/or witnesses, which must have been previously identified in the Notice of Hearing. Typically, the Investigator will be called as a witness. Each witness may make a statement and/or respond to questions from the Student Conduct Officer or Complainant. The Respondent is also given an opportunity to question each witness. The Student Conduct Board may also ask questions of each witness. When the questioning is concluded, the Chair will ask if anyone wishes to recall the witness later in the hearing. If such is not the case, the witness is excused from the hearing.
  - v. The Respondent will present his/her/its evidence and/or witnesses. Each witness may make a statement and/or respond to questions from the Student Conduct Officer or Complainant is given an opportunity to question each witness. The Student Conduct Board may also ask questions of each witness. When the questioning is concluded, the Chair will ask if anyone wishes to recall the witness later in the hearing. If such is not the case, the witness is excused from the hearing.
  - vi. After the Student Conduct Officer or Complainant and the Respondent have presented their primary cases, the Chair will ask each side if they have additional witnesses or information to add to the witness and evidence list. At the Chair's discretion, the Student Conduct Board may consider the addition of witnesses and/or evidence that were not previously submitted.
  - vii. After all witnesses and evidence have been presented for the first time, witnesses may be recalled by the Student Conduct Officer or Complainant, Respondent, or the Student Conduct Board.
  - viii. The Chair will ask the Complainant and the Respondent to make a closing statement. The Student Conduct Officer or Complainant makes his/her closing statement. No new evidence is allowed; this is an opportunity to summarize key points already made.
  - ix. The Student Conduct Board shall deliberate regarding the evidence presented. After deliberation and by majority vote, the Student Conduct Board will determine with respect to each charge brought whether or not a preponderance of the evidence presented at the hearing indicates that a violation occurred with respect to such charge.
  - x. If a majority of the Student Conduct Board finds that no violation occurred, the Student Conduct Board will indicate in writing that the Respondent was found to have not violated the University policy or policies. Even in cases in which the Board does not conclude that a policy violation has occurred, or that the evidence is such that a definitive conclusion cannot be reached,

the Board nonetheless may determine that appropriate remedial measures are necessary or advisable.

- xi. If a majority of the Student Conduct Board finds that a violation(s) did occur, deliberations will then move to a private discussion concerning appropriate sanctions. Prior student conduct record, including the Respondent's prior policy violations, will be shared with the Board by the Chair and considered when determining appropriate sanction(s). The Student Conduct Hearing Board is bound to follow the sanctioning guidelines stated in the Student Conduct Process Policy SA 4.02. Possible sanctions have been outlined in the Notice of Charge and may also be listed in the implicated policy or policies. Only a decision of expulsion from the University must be supported by a unanimous vote of the Student Conduct Board. All deliberation sessions are closed and are not recorded. The Hearing Officer shall not be present at the deliberation and sanctioning phases of the hearing. The Chair is present during the Board's deliberation and sanctioning. The Student Conduct Officer or Complainant, Respondent, any witnesses, and Student Conduct Advisors are not present during the deliberation and sanctioning.
- xii. The Student Conduct Board shall report its decision, including imposed sanctions, in writing within two business days after the close of the hearing to the Respondent, the Dean of Students and, if appropriate, the Vice President for Student Affairs (and in appropriate circumstances, to the Complainant). Decisions made by the Board are considered final, subject only to appeal as outlined below.

### **Appeals of Student Conduct Board Decisions**

The Respondent, if found to be in violation of University policy by the Student Conduct Board, has the right to appeal the decision of responsibility and any sanction within five business days of the issuance of the Board's decision. The appeal must be made in writing to the Vice President for Student Affairs, whose decision is final. Appeal hearings are limited to case related documents. Appeals are limited to the following:

- a. Substantial procedural error(s) that had a material impact on the outcome of the process; and/or
- b. New, material evidence not reasonably available at the time of the hearing;

***Dissatisfaction with a finding of in violation or a sanction, is not grounds for appeal.***

In cases in which an appeal is requested, a stay of sanctions may be granted. Sanctions may be held in abeyance pending the outcome of the appeal, at the discretion of the University. However, the Vice President for Student Affairs reserves the right to deny a stay of sanctions in cases in which he/she deems appropriate.

The Vice President for Student Affairs will issue his/her decision to the appealing Respondent within five business days. The Vice President's decision is final, and may include:

- a. A determination that the Respondent's request for an appeal is denied. If the appeal is denied, the matter is closed, and the Student Conduct Board's decision and any sanctions stand.
- b. A modification of the in-violation decision and/or sanction consistent with his/her decision to grant the appeal. The modified in violation decision and/or sanction will be final and not subject to further appeal.
- c. Remand the case to the original Student Conduct Board and provide instructions regarding the nature and extent of its reconsideration. The Board will act promptly to reconsider the matter consistent with those instructions. Following reconsideration, the finding of the Student Conduct Board and/or the sanction(s) imposed will be final and not subject to further appeal.

## **M. INTERIM MEASURES**

### **Interim Suspension**

In certain circumstances, the University may interim suspend a student from University housing or from the University pending the outcome of the Student Conduct Process. Interim suspension may be imposed:

- to ensure the safety and well-being of members of the University community or preservation of University property.
- to ensure the student's own physical or emotional safety and well-being.
- if, in the University's judgment, the student poses a definite threat of disruption or interference with the normal operations of the University.
- if the University determines that the interim suspension is in the best interests of the University community.

During the interim suspension, students or student organizations may be denied access to University housing and/or attending class and other University activities or privileges for which the student or student organization might otherwise be eligible. In the case of a student organization, the organization's activities and participation in University events may be limited as specified by the University. If appropriate, interim suspension may include the cessation of all activities and the withdrawal of recognition and allocated funding by the University, pending the final outcome of the proceedings.

A student or student organization on interim suspension can appeal the interim suspension within two business days from the effective date of the interim suspension. Appeals of interim housing suspension should be made to the Dean of Students and appeals of interim suspension from the University should be made to the Vice President for Student Affairs. Appeals must be made in writing via letter or through the student's Neumann University e-mail account. The decision of the Dean of Students or the Vice President for Student Affairs as to whether or not to impose an interim suspension will hold as final.

## **N. SANCTIONS FOR VIOLATIONS OF THE STUDENT CODE OF CONDUCT**

The following sanctions are typical of what may be imposed. More than one sanction may be imposed for a single violation.

## **WRITTEN WARNING**

The student or student organization is given a written warning and warned that further misconduct shall result in more severe disciplinary action. A written warning is maintained in the student or student organization's conduct file.

## **DISCIPLINARY PROBATION**

Disciplinary Probation is a specific period of time during which the University provides the student or student organization with the opportunity to prove that he/she/it will contribute in a positive manner to the University community. Should a student or student organization violate University policies while on Disciplinary Probation, more severe sanctions will be imposed. Specific restrictions of disciplinary probation can include, but are not limited to prohibiting a student from representing the University in any intercollegiate or club sports competition, holding any elected or appointed office on the campus and may in some cases be banned from attendance at or participation in organized University functions, whether athletic, social, or institutional, during this period. Other specific restrictions may be added as conditions of probation in individual cases.

## **EVALUATION AND COUNSELING**

The student may be referred to the University's Counseling Center for Wellness for evaluation and counseling to include a specified number of sessions.

## **RESTITUTION**

The student or student organization is required to make monetary reimbursement for repair or replacement of property, for services rendered to the University or to other persons, groups, or organizations for a specified amount by a date designated by the Student Conduct Officer.

## **EDUCATIONAL OR RESTORATIVE ASSIGNMENT**

A student is required to complete an assignment that benefits the individual and/or the University community. Examples include, but are not limited to, performing contributory service, writing restorative reflections or research papers, and attending programs, lectures, or other educational events deemed appropriate by the Student Conduct Officer.

## **NOTIFICATION OF PARENT OR LEGAL GUARDIAN**

The University may inform a student's parent(s) or legal guardian(s) that the student has been found in violation of the University policies on alcohol, other drugs, or violence or separated from the University or the University's residence halls. All notice requirements shall be consistent with FERPA obligations.

## **HOUSING REASSIGNMENT**

A student shall be reassigned or removed from a residence hall room if a determination is made that student is a disruptive influence within the residential community or may create a safety violation for themselves or other.

## **NO CONTACT ORDER**

A student, as directed by the University, is not to contact, communicate or interact with another

individual(s) through, but not limited to, any of the following means: in person, in writing, by phone, by email, by texts or other electronic messaging, through social media, or through a third-party.

### **LOSS OF RESIDENCE HALL VISITATION AND GUEST PRIVILEGES**

The residence hall visitation and guest privileges of students are revoked for a designated period of time. In repeat offenses, residence hall visitation and guest privilege may be permanently revoked.

### **LOSS OF UNIVERSITY HOUSING**

The student will be suspended from University housing when there is a determination that a student has been a disruptive influence on the residential community. The student must properly check out of his/her room in accordance with existing University procedures within the time constraints established by the Student Conduct Officer. The resident may be liable for room and board charges as specified in the University's published refund policy. The sanction will stipulate a specific time period for the suspension of residency privileges and may include specific requirements must be fulfilled before reinstatement into residence life will be considered. Readmission to University housing is at the discretion of the Dean of Students in conjunction with the Director of Housing and Residence Life.

### **DELAYED/DEFERRED LOSS OF UNIVERSITY HOUSING**

Due to specific circumstances within the case, the student's housing contract is not immediately voided. The date in which move out is required by will be determined by the Dean of Students in consultation with the Director of Housing and Residence Life.

### **PERMANENT LOSS OF UNIVERSITY HOUSING PRIVILEGES**

The student will lose University housing privileges when there is a determination that a student has been a disruptive influence on the residential community or when violations are so severe that they merit permanent removal from housing. The student must properly check out of his/her room in accordance with existing University procedures within the time constraints established by the Student Conduct Officer. The resident may be liable for the room and board charges as specified in the University's published refund policy. A student is permanently prohibited from entering all residence halls or a specific residence hall(s). Students who are banned from the University residence halls cannot enter the residence hall lobbies.

### **SUSPENSION**

The student or student organization will be suspended from the University when a determination is made that a student or student organization has been a disruptive influence on the University or a threat to the safety of the University community. Suspension is a separation of the student from the University for a specified period of time. A suspended student will be withdrawn from all courses and may not attend classes, take exams, receive grades, maintain a leadership position, or be on University premises without the written authorization of the Dean of Students or designee throughout the entire duration of the suspension period. A suspended student must surrender his/her University-issued identification card to Campus Safety for the duration of the suspension. Should a financial refund be due to the student, it will be made in accordance with the University's published refund policy.

In the case of a student organization, suspension will result in the loss of recognition which includes loss of privileges including, but not limited to, loss of the use of campus facilities and allocated student government funds, inability to participate in University activities or sponsor official activities. Future recognition is at the discretion of the Dean of Students in consultation with the Assistant Dean of Students and Director of Student Engagement & Leadership, or the Director of Athletics and Recreation.

#### **DELAYED/DEFERRED SUSPENSION**

Due to specific circumstances within the case, the student's suspension is not immediately in effect. The date in which the suspension begins by will be determined by the Dean of Students.

#### **EXPULSION**

The student will be expelled from the University when there is a determination that a student has been a disruptive influence on the University community, a threat to the safety of the University community, and/or when the nature of the violation is so serious that permanent separation from the University community is in order. Expulsion is permanent. An expelled student shall not be permitted on University property. An expelled student cannot be re-admitted to the University. Any refunds of tuition, fees, room, and board are subject to the refund policy as stated in the University's published refund policy. A record of the expulsion is entered and remains on the student's academic and student conduct files. In the case of a student organization, the organization will lose its official recognition allocated funding, and all other privileges.

#### **O. STUDENT AFFAIRS HOLD ON RECORDS**

The enforcement of the Student Conduct Process Policy and other University policies may necessitate placing a Student Affairs hold on the student's record. This hold will be placed in the event that the student leaves Neumann University with pending student conduct matter that has not been resolved. This hold will also be applied in instances of suspension or expulsion. Other circumstance requiring a hold include, but are not limited to, incomplete sanctions and failure to comply with the directives of a University official. This hold will prevent a student from accessing grades, registering for classes, receiving a diploma and in some instances receiving transcripts.