

Disciplinary Procedure

1. A complaint regarding the conduct of any student or organization may be filed by any person having knowledge of the alleged activity. The College may also file a complaint.
2. Such complaints must be made in writing and directed to the Dean of Students.
3. The Dean of Students shall make a thorough investigation of the allegations within the complaint. If the Dean of Students determines there is probable cause to believe that the student or organization in question indeed violated the Code of Student Conduct, a written notice of the nature of that offense shall be sent via certified mail, return receipt requested, to the student's or organization's address of record. Alternatively, mail delivery may be performed by a College employee. The notice shall require the student or organization's officer(s) to make an appointment within five calendar days of receipt of said notice to discuss the charges with the Dean of Students. Failure to arrange said appointment shall be taken as an admission of the allegations contained in the complaint and a waiver of a hearing, and the Dean of Students shall assign a sanction(s) deemed appropriate.
4. Pursuant to paragraph 3, the Dean of Students shall meet informally with the accused student or organization and present the student or organization with the complaint. If the Dean of Students believes probable cause exists that the student or organization is in violation of the Code of Student Conduct, the student or organization may be offered the opportunity of executing a statement accepting the sanction deemed appropriate by the Dean of Students and waiving the right to a hearing before the Discipline Committee. Any student or organization who fails to execute the statement aforementioned shall be deemed to have demanded a hearing before the Discipline Committee.
5. In the event that the student or organization demands a hearing before the Discipline Committee, the student shall be provided with a written statement of the charges as filed in order to provide the student or organization reasonable notice of the conduct or circumstances on which the alleged violation is based. Said statement shall advise the student or organization that it is permissible to appear alone or with counsel before the Discipline Committee, and to be present during all phases of the hearing except during the Committee's deliberation. Counsel shall not speak for or in behalf of the accused student or organization but may only act in an advisory capacity. In the event of a closed hearing, the Discipline Committee may allow the student or organization to have a maximum of three observers in the hearing. Additionally, the statement shall set out that the student or organization will be provided the opportunity to present evidence and to have reasonable cross-examination of witnesses. The student or organization shall be required to give written notice, within 48 hours, whether the hearing shall be open or closed; failure to do so shall be taken as a request for a closed hearing.
6. The hearing before the Discipline Committee will be scheduled as soon as practical, but not sooner than five calendar days, nor later than thirty calendar days from the date of the student's or organization's meeting with the Dean of Students.
7. A student or organization who has demanded a hearing before the Discipline Committee and who fails to appear at the designated date, hour and place of the hearing, after notice thereof, shall be deemed to have waived the right to a hearing and the right to appear before the Discipline Committee. The Discipline Committee may then proceed with the hearing. In the event the accused student or organization shall be unable to attend the hearing for good cause at the appointed time, prior written notice of the inability to attend shall be submitted to the Dean of Students whereupon a new date shall be set by the Dean of Students. Only one such extension shall be granted except where failure to grant additional extension would cause undue hardship to the student or organization.
8. The hearing before the Discipline Committee shall not be strictly legal in nature, but shall proceed as follows:
 - a. The Discipline Committee shall be composed of three (3) faculty or staff members and two (2) students appointed by the President of the College. One of said faculty members shall serve as Chairperson of the Discipline Committee. The Dean of Students shall screen the committee members prior to the hearing for any prejudicial knowledge. Any member determined to possess prejudicial knowledge may be replaced with other qualified faculty members and/or students.

- b. Chairperson of the Discipline Committee shall instruct all persons other than the student's or organization's advisor(s), three observers, the Dean of Students, the College's Counsel, and the remaining members of the Discipline Committee to leave the room. In the event of an open hearing, anyone may be present, so long as his or her presence does not disrupt the hearing process. The Chairperson of the Discipline Committee shall have the authority to remove anyone who disrupts a disciplinary hearing. Only upon the express written consent of the accused student or organization is the hearing of the Discipline Committee open to the public.
- c. A record of all proceedings shall be kept in the form of a tape recording, and a copy may be reproduced at the expense of the accused student or organization.
- d. The proceedings shall open with the Chairperson of the Discipline Committee reading the charge against the student or organization. The student or the organization's representative shall then make a plea of guilty or not guilty.
- e. The Dean of Students shall present the evidence against the accused student or organization with the accused student or organization afforded the opportunity for reasonable cross-examination.
- f. The accused student or organization then may present evidence by oral testimony, witnesses, and/or written sworn affidavits, and the Dean of Students shall be afforded the opportunity for reasonable cross-examination.
- g. Rebuttal evidence may be presented by either party as necessary but not so as to be redundant.
- h. The accused student or organization may make a closing statement, and the Dean of Students may make a closing statement.
- i. The Discipline Committee may have an attorney present to act as an advisor to the Discipline Committee. This attorney shall not question witnesses or have any role other than to act as an advisor to the Committee and inform both parties of their legal rights.
- j. After the presentation of all evidence, the Discipline Committee shall retire in closed session. The Committee shall deliberate and make its determination by a majority vote.
- k. The Discipline Committee can determine that the accused student or organization in fact did commit the act as charged only if it is reasonably satisfied that the evidence supports the charge.
- l. Once the Discipline Committee has reached its decision, the student or organization and the student's or organization's counsel or advisor may return and be informed of the result.
- m. Other than rules of evidence regarding search and seizure, formal rules of evidence shall not be observed in proceedings before the Discipline Committee. However, decisions of the Committee on the issue of violation(s) of the Code of Student Conduct will be based solely upon evidence introduced at the hearing. Evidence of previous violations of rules and regulations or violations of local, state or federal laws, ordinances, and regulations shall not be considered in any way by the Committee in determining whether the violation charged was in fact committed, but such evidence may be considered by the Committee in consideration of the appropriate sanction.
- n. If the accused student or organization is found innocent, then the hearing is ended. However, if the student or organization is found guilty, the Dean of Students may recommend sanctions to be imposed. The student or organization shall then have an opportunity to make a statement to the Discipline Committee.
- o. The Discipline Committee shall then deliberate the sanctions in closed session with only members of the Committee present. The Discipline Committee may consider the sanctions recommended to it, but it may impose lesser or greater sanctions than recommended. The determination of sanctions will be by a majority vote.
- p. Once the Committee has reached its decision, the student or organization, their counsel or advisor(s) and the person presenting the case then may return and be informed of the results.
- q. The Disciplinary Chair shall provide the student or organization a written statement of the determination of the Discipline Committee within 72 hours of the close of the hearing.
- r. The student may appeal the decision of the Discipline Committee to the President. Such an appeal must be in writing, signed, and filed in the President's Office within seven (7) calendar days of the decision.
- s. The President may approve, overturn, or amend any recommendation of the Disciplinary Committee.