

# ARTICLE 4 - PROCEDURES & HEARINGS

## A. Reporting

1. Concordia University will investigate all official reports of alleged violations of University policy.

**Note:** For reporting violations of the sexual misconduct policy, follow this link (<https://www.cuw.edu/about/offices/title-ix-sexual-harassment-policies/>).

2. Reporting an allegation of a violation of policy:

a. Anyone who believes a policy of the University has been violated should contact the office identified in the Resource List at the end of this document.

b. For more information on reporting requirements of the University, see the University's Clery and Responsible Employees policies.

## B. Statement on Confidentiality

1. In some cases, the confidentiality of a reporting party may not be able to be kept. In cases where this is requested, the Investigator, CSSO, Dean or designee will take all steps to protect a victim.

## C. Policy on Student Withdrawals with Pending Disciplinary Action

1. Concordia University may place a hold on a student's account and/or Student ID Card if that student has a complaint pending for violation of Code of Student Conduct or any CU policy. Should a student decide to leave and not participate in an investigation and/or hearing, the process will nonetheless proceed in the student's absence to resolution and that student will not be permitted to return to Concordia University unless all sanctions have been satisfied.

**NOTE:** The University reserves the right to place a Student Success hold on the student's account until investigations have been completed and/or the disciplinary sanctions have been satisfied.

## D. Investigations by the Dean of Students' Office

1. Following receipt of notice or a complaint, the Dean or designee of the Student Conduct Office will promptly investigate the complaint. The individual(s) designated are hereinafter referred to as the "Investigator" (e.g., Campus Safety, Resident Hall Staff).
2. In some instances (e.g., housing violations and minor conduct violations), these investigations will be comprised of an interview with the reporting party and the person(s) alleged to have violated the policy (the "Responding Party"). In other instances, more in-depth investigation may be required.

## E. Investigations by Title IX Office

**Note:** For more information, follow this link (<https://www.cuw.edu/about/offices/title-ix-sexual-harassment-policies/>).

## F. Resolution Options

**NOTE:** Should a student fail to appear for an Initial Administrative Resolution meeting, Formal Administrative Hearing, Formal Panel Hearing, Appeal Hearing, or Title IX Process Meeting, that student may be considered as having waived his/her right to be present for the hearing and a decision will be made in his/her absence.

1. Initial Administrative Resolution: The Responding Party accepts the findings of the Investigation and, if appropriate, sanctions, as explained by the Investigator. (Not applicable in Title IX cases)
2. Formal Administrative Hearing: In certain cases, the Dean of Students may desire a formal hearing that does not involve the full Formal Hearing Panel (due to timing, sensitivity, or seriousness of incident). In these cases, a Formal Administrative Hearing will be convened with a single administrator, typically the Dean of Students. (Not applicable in Title IX cases)
3. Formal Panel Hearing: A formal hearing before the Formal Hearing Panel is to determine if a policy has been violated and sanctions, if appropriate. For more information on the procedures, see the "Formal Hearing Procedures." (Not applicable to Title IX cases)

## G. Investigation Findings

1. Not Responsible (not a violation of policy): In these cases, the Investigator has determined that insufficient evidence exists for a finding of Responsible for the allegation(s). The case is closed and a record of the Not Responsible finding(s) is retained.
2. Responsible (a violation of policy): The Investigator determines that sufficient evidence exists for a finding of Responsible for the violation(s). In this case, the Responding Party may opt to resolve the case and acknowledge both the finding and sanctions.
3. Referral to Formal Hearing: When the Investigator determines that there is sufficient evidence for a finding of "Responsible" for any of the allegations, and the Responding Party does not acknowledge/accept the finding and/or sanctions – in whole or in part – then the case may be referred for a Formal Hearing.

## H. Formal Hearing Procedures Prior to the Hearing

1. The Formal Panel Hearing (FPH) shall consist of three-five members. The FPH is a pool of students, faculty and staff selected by the CSSO or designee and trained to deliberate on cases that involve allegations of violations of University policies.
2. Notice of Allegations and Hearing

The Student Conduct Office will send a letter to the parties with the following information:

- a. A description of the alleged violation(s), a description of the applicable policies and a statement of the potential sanctions/responsive actions that could result;
- b. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus/work activities. If any party does not appear at the scheduled hearing, the hearing will be held in his/her absence. For compelling reasons, the Dean or designee may reschedule the hearing.

3. Prior to the Formal Hearing:

a. The FPH members, the Responding Party and the Reporting Party, may be provided access to copies of all appropriate documentation. This will include, but is not limited to:

- i. The investigation report.
- ii. A list of any witnesses who will be available for the hearing, should their testimony be necessary.
- iii. The names of the FPH members to allow for any Responding Party challenges for cause/bias to be made to the Dean or designee.
- iiii. The Dean of Students and Chair (or designee) will consider all challenges and the parties will be notified as to the determination.
- v. Any other supporting documentation.

4. Role of the Advisor: The reporting party or responding party is entitled to only one advisor of his or her choosing to guide and accompany him/her throughout the campus investigation, adjudication, and/or resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise him/her. Parties must notify the Title IX Coordinator (for sexual misconduct cases) or the Dean of Students (for all other misconduct cases) of their advisor of record before the first meeting or hearing. If requested, a student may (not must) be granted advisor status for both parents by the Title IX Coordinator (for sexual misconduct cases) or the Dean of Students (for all other misconduct cases).

Note: To view the complete advisor policy, consult the Portal under the Resources Tab in the Title IX Compliance and Sexual Harassment box and look for the "Advisors" link (<https://www.cuw.edu/about/offices/title-ix-sexual-harassment-policies/support/advisor-questions.html>).

5. Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to University consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

6. In hearings involving more than one Responding Party or in which two Reporting Parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the complaints jointly; however, the Dean and/or Title IX Coordinator or Assistant Coordinator may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.

#### 7. In Preparation for the Hearing

- a. The proceedings may be audio recorded, with the exceptions of deliberations. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording.
- b. Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern of evidence and/or behavior. The Chair will address any evidentiary concerns prior to and/or during the hearing and may exclude irrelevant or immaterial

evidence and may ask the panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and evidence.

c. Character witnesses are not permitted to testify in the findings stage of the hearing, nor are statements of character to be introduced in the findings phase. Two letters of character support may be submitted for the sanctioning phase of the hearing.

d. "Impact statements," describing the effect that the incident has had on the Responding Party or the Reporting Party, will not be permitted in the findings phase of the hearing, but may be offered in person or in writing during the sanctioning phase of the hearing.

### I. Hearing Procedures (Not applicable to Title IX cases)

#### 1. Initial Administrative Resolution Meeting

a. The Conduct Officer will send a letter and/or email to the parties involved with the following information:

- i. A description of the alleged violation(s), and a link to the Code of Student Conduct for further information; and

- ii. The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus/work activities. (If any party does not appear at the scheduled hearing, the hearing will be held in his/her absence. For compelling reasons, the Conduct Officer may reschedule the hearing. Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University.)

b. Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to university consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisor.

c. Students may ask questions throughout the Initial Administrative Resolution Meeting.

d. The Conduct Officer will greet the student and review the Respondent's Rights of the Code of Student Conduct.

e. The Conduct Officer will briefly review the general conduct system and procedures for the meeting.

f. The Conduct Officer will review the specific alleged violation(s) and the documentation to support the charge(s). The student is allowed to view the documentation and may ask questions at any time.

g. The Conduct Officer will ask the student to respond to the alleged violation(s) by addressing the facts of the case, and whether the facts are in dispute or not. Both parties may ask questions to seek clarification.

h. The Conduct Officer will deliberate his/her decision. Typically, the decision of a finding is made during the Initial Administrative Resolution Meeting, unless further information

or consultation is warranted at the discretion of the Conduct Officer.

i. The Conduct Officer will inform the student of the finding(s) and, if appropriate, sanction(s) to the student, or official notification of their formal resolution option.

**\*NOTE 1** – the Outcome Appeal can only be requested during the IAH. Once the student has accepted responsibility for the conduct violation and agreed to the sanctions recommended by the Conduct Officer, s/he can no longer request an Outcome Appeal.

**\*NOTE 2** - Link to Outcome Appeal Form

## 2. Formal Panel Hearing

a. The Chair will call the hearing to order, and will explain the procedures, including having all parties introduce themselves, and then offering a prayer.

b. The Chair will ask the Investigator to present his/her report. This will include:

- i. A reading of the allegations/policies;
- ii. A reading of the facts not in dispute; and
- iii. A reading of the facts in dispute.
- iiii. A reading of any prior records, only if they are relevant to the current case. (i.e. to establish a pattern of behavior)

c. The Investigator will ask the parties if they have any comments or questions on the reading of the disputed and non-disputed facts.

d. The Investigator will accept any questions from the FPH, including those to the parties that the FPH chooses to ask through the Investigator.

e. The FPH may then ask the parties any relevant questions.

f. The student will offer his/her testimony.

g. The parties may ask relevant questions of the Investigator or one another when appropriate.

h. The FPH and the parties may request the Investigator to call witnesses that are available.

- i. The Investigator, as the individual who interviewed all witnesses, should be questioned prior to calling a witness in for live testimony.
- ii. If a witness is called, the requesting party may ask him/her questions first, followed by the Investigator and the FPH.

i. The Chair will dismiss all parties and the FPH will deliberate on the findings.

- i. The deliberations are to be private and not recorded. All notes from deliberation are to be destroyed after the hearing.

ii. Should the members of the FPH have a procedural or other question for the Chair or the Investigator, they may ask the question to the Chair. The Investigator should communicate the nature of the question to the Responding Party and, when appropriate, the Reporting Party.

**NOTE:** In a sanctions-only hearing, after the reading of the allegations, the Responding Party will acknowledge responsibility for the violations. The hearing will then proceed to the sanctioning phase.

j. Once the FPH has deliberated, they will reconvene and the Chair will read the findings into the record. If the Responding Party has been found in violation of any of the allegations, the hearing will proceed to the Sanctioning Phase. If the findings are Not Responsible on all allegations, then the Chair will dismiss all parties.

### k. The Sanctioning Phase of the Formal Panel Hearing

- i. The Chair (or the Investigator) will disclose the full prior record of the Respondent.
- ii. The Chair will inform the FPH with the range of sanctions that would allow for institutional consistency.
- iii. The Chair will ask the Responding Party to read his/her impact statement to the Panel.
- iiii. The Chair will ask the Responding Party to read up to two letters of character support to the Panel.
- v. The Chair will remind all parties that the sanctions determined by the FPH are recommendations to be made to the Dean of Students.
- vi. The Chair will dismiss all parties for deliberation.
- i. The results of the Hearing will be sent to the Responding Party within three (3) business days of the conclusion of the hearing, barring exigent circumstances.

## J. Formal Hearing Findings

1. In a formal hearing, the FPH has the option of finding the Responding Party Responsible or Not Responsible. An FIO is not permitted as an outcome.
2. In a Sanctions Only hearing, the FPH will not be permitted to alter the findings as admitted by the Responding Party.

## K. Sanctions Only Hearing Procedures

1. The Chair will call the Hearing to order, explain the procedures, conduct introductions, and offer a prayer.
2. The Chair (or Investigator on the case) will present the findings for the violation(s), read the applicable range of sanctions, and disclose the full prior record of the Responding Party.
3. The Responding Party will acknowledge responsibility and read his/her impact statement.
4. The Panel may ask questions of the Responding Party.

5. In cases where there is a victim, the Chair will ask the victim for his/her impact statement. Alternatively, the statement may be submitted in writing to the FHP. The Chair will determine if he/she or the Investigator will read the letter.

6. Two letters of character support for the Responding Party may be read into the record.

7. The Chair will dismiss all parties from the room to deliberate, with the exception of the members of the Panel.

8. The Panel will determine its recommendations for sanctions (modified or affirmed) and forward the recommendations to the Dean.

9. The results of the Hearing will be sent to the Responding Party within three (3) business days of the conclusion of the Hearing, barring exigent circumstances.

#### L. Sanctions for Individual Students

1. The following University-wide disciplinary sanctions may be imposed upon students found Responsible for a violation of the Code of Student Conduct. All sanctions may be imposed either singularly or in combination.

2. The purposes of imposing sanctions are twofold: 1) to protect the University community from behavior which is detrimental to the community and/or the educational mission of the University; and 2) to assist students in identifying acceptable parameters and consequences of future behavior. The sanction(s) imposed is/are intended to correspond with the severity or frequency of violations, as well as the student's willingness to recommit himself/herself to behaviors that fall within the Code of Student Conduct of the University and are consistent with the mission and values of the University. Other factors that may affect the sanctions are:

- a. The nature, severity of, and circumstances surrounding the violation;
- b. An individual's disciplinary history;
- c. Previous complaints or allegations involving similar conduct;
- d. The need for sanctions/responsive actions to bring an end to the actions that were in violation of the Code;
- e. The need for sanctions/responsive actions to prevent the future recurrence of the actions that were in violation of the Code; and
- f. The need to remedy the effects of the actions that were in violation of the Code on the victim and the community.

3. Sanction Options:

- a. Expulsion: Dismissal from the University without the ability to apply for re-admittance.

**NOTE:** Any student expelled for disciplinary reasons must vacate the campus within the period of time noted in the notice of expulsion (typically immediately). The student may not return to campus or University property without prior written permission by the CSSO

or designee. Failure to comply with this request will constitute criminal trespass.

b. Suspension: Denial of enrollment, attendance, and other privileges at the University for a specified period of time. Students will be subject to complete a period of disciplinary probation upon their return to the University.

**NOTE 1:** Any student suspended for disciplinary reasons must vacate the campus within the period of time noted in the notice of suspension (typically immediately). The student may not return to campus or University property during the term of the suspension without prior written permission by the CSSO or designee. Failure to comply with this request will constitute criminal trespass.

**NOTE 2:** Students who are readmitted following University or Housing suspension may be immediately subject to suspension should they violate policies upon return, per the discretion of the CSSO or designee.

c. University Probation: A period of review and observation during which a student is under an official notice that subsequent violations of University rules, regulations, or policies are likely to result in a more severe sanction including suspension or expulsion from the University. While on conduct probation, a student may be considered to be "not in good standing" and may face specific limitations on his or her behavior and/or University privileges (see Conditions/Restrictions below).

d. Conditions/Restrictions: Limitations upon a student's behavior and/or University privileges for a period of time, or an active obligation to complete a specified activity. This sanction may include, but is not limited to restricted access to the campus or parts of campus, denial of the right to represent the University in any way, denial of extra-curricular activities include denial of housing or parking privileges, required attendance at a workshop, or participation in public service.

e. Written Warning: An official reprimand that makes the misconduct a matter of record in University files. Any further misconduct could result in further disciplinary action.

f. Fee/Restitution: An order may be issued to make restitution or to pay a fee when a student has engaged in conduct including but not limited to the damage or destruction of property, the theft or misappropriation of property, fraudulent behavior, violations of the alcohol and/or drug policies, or violations of the fire safety policies. Such property may belong to an individual, group, or the University. Restitution may be in the form of payment, community service, or other special activities designated by the hearing authority. Additional fees may be assessed as a punitive measure for any conduct violation.

g. Withholding Diploma: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint pending, or as a sanction if the student is found responsible for an alleged violation.

h. Revocation of Degree: The University reserves the right to revoke a degree awarded from the University for fraud,

misrepresentation, or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed prior to the awarding of the degree.

i. Other sanctions: The University reserves the right to impose other sanctions as necessary to remain consistent with the mission and vision of the University. These may include, but are not limited to mandated psychological assessment, research projects, drug/alcohol classes or testing, online educational classes, proof of employment or attendance at classes, and/or apology letter, etc.

#### 4. Residence Life Specific Sanctions:

a. Permanent Housing Removal; Immediate removal from University housing with no ability to return.

**NOTE:** Any student permanently removed from University housing for disciplinary reasons must vacate the hall within the period of time noted in the notice of removal (typically immediately). The student may not return to any residence hall without prior written permission by the CSSO or designee. Failure to comply with this request will constitute criminal trespass. Additionally, anyone removed from housing for disciplinary reasons remains subject to the termination clause of the housing contract, including payment of any fees or penalties.

b. Temporary Housing Removal: Immediate removal from university housing for a set period of time with an ability to reapply to return to university housing.

**NOTE:** Any student removed from university housing for disciplinary reasons must vacate the hall within the period of time noted in the notice of removal (typically immediately). The student may not return to any residence hall without prior written permission by the CSSO or designee. Failure to comply with this request will constitute criminal trespass. Additionally, anyone removed from housing for disciplinary reasons remains subject to the termination clause of the housing contract, including payment of any fees or penalties.

c. Housing Relocation: Immediate removal from a specific hall, room, or floor within University housing, and reassignment to another hall, room, or floor.

**NOTE 1:** Any student removed from any specific hall within University housing for disciplinary reasons must vacate that hall within the period of time noted in the notice of relocation (typically immediately). The student may not return to the residence hall from which they were removed without prior written permission by the CSSO or designee. Failure to comply with this request may constitute criminal trespass and will result in more severe disciplinary action.

**NOTE 2:** The CSSO or designee reserves the right to charge the student for the housing relocation.

Student organizations are part of Concordia University and are required to follow the doctrine of the Lutheran Church-Missouri Synod.

The following disciplinary sanctions may be imposed upon student organizations or their membership when they have been found Responsible for violating the Code of Student Conduct. All sanctions may be imposed either individually or in combination. Disciplinary sanctions are imposed for the purpose of holding student organizations and their membership accountable for their actions and the actions of their guest(s), whether on campus or at any organization-sponsored function.

1. Permanent Revocation of Organizational Charter: "Permanent revocation" of the organization's registration charter means revocation without the ability to apply for new registration. Any organization whose registration is permanently revoked must cease all organizational activities upon receipt of the notice of permanent revocation. Any member of an organization whose registration has been permanently revoked shall relinquish any appointed or elected office held with that organization's governing body. Balances of all organizational funds granted by the University and/or the Student Government Association are to be surrendered to the CSSO or designee. Office or housing space assigned by the University shall be vacated within five (5) business days (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to revocation may be reassigned to other eligible University organizations.

2. Suspension: Suspension means denial of rights and privileges of a registered organization for a specified period of time. Any organization whose registration is suspended or revoked must cease all organizational activities upon receipt of the notice of revocation or suspension. Any member of a suspended organization may not hold an appointed or elected office with that organization's governing body for the duration of the organization's period of suspension. Balances of all organizational funds granted by the University and/or the Student Government Association are to be surrendered to the CSSO or designee. Office or housing space assigned by the University shall be vacated within five (5) business days (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to suspension may be reassigned to other eligible University organizations. Leave to reapply for registration as a student organization may be granted with or without qualifications. Office or housing space assigned prior to suspension will not automatically be reassigned. The organization may reapply for a space assignment, subject to availability. Suspended organizations will automatically be placed on probationary status for a minimum of one academic year following their renewed registration.

3. Probation: A period of review and observation during which a student organization is under official notice that subsequent violations of University rules, regulations, or policies could result in a more severe sanction including suspension. During the probationary period, a student organization is deemed "not in good standing" with the University and may be subject to one or any combination of the following conditions and/or restrictions:

- a. Denial of the right to represent the University;
- b. Denial of the right to maintain an office or other assigned space on University property

#### M. Sanctions for Student Organizations

- c. Denial of the privileges of:
  - i. Receiving or retaining funding;
  - ii. Participating in intramurals;
  - iii. Sponsoring or co-sponsoring any social event or other activity;
  - iiii. Sponsoring any speaker or guest on campus; and
  - v. Participating in any social event.

4. Conditions/Restrictions: Limitations upon a student organization's privileges for a period of time or an active obligation to complete a specified activity or activities. This sanction may include, for example, denial of housing or social privileges, etc.

5. Written Warning: An official written reprimand making the misconduct a matter of record in University files for a specified period of time. Any further misconduct may result in further disciplinary action.

6. Restitution/Fines: An organization may be ordered to make restitution or to pay a fine when the organization has engaged in conduct including but not limited to the damage or destruction of property, the theft or misappropriation of property, fraudulent or disruptive behavior, violations of the alcohol and/or drug policies, or violations of the fire safety policies. Such property may belong to an individual, group, or the University. Restitution may be in the form of financial payment, public service, or other special activities designated by the hearing authority. Additional fines may be assessed as a punitive measure.

**N. Sanctioning Guidelines**

A point system, university fee, educational sanction, and probation period are employed for the level of offenses identified in this Code. Under normal circumstances the University will follow the schedule listed below. However, the University does reserve the right to impose harsher discipline for those offenses judged as involving extraordinary circumstances. As outlined in this code, the student may appeal sanctions which exceed the parameters below. The following sanctions may be imposed upon any student found to have violated this Code. Fees, at the discretion of the Conduct Administrator, can be substituted with Community Restitution (assigned work hours). The number of work hours shall be calculated by dividing the fee by the minimum student worker hourly wage and rounded up to the nearest 1/2 hour.

**Alcohol Policy Violations**

Violation	Fee	Points	Probation, Suspension, or Expulsion	Education or Remediation
Violation PBT = 0	\$0 to \$15	0-1		AoD Assessment and/or Education when appropriate
1st Violation PBT = 0 or > 0	\$100	5		AoD Assessment and Education

2nd Violation PBT = 0 or > 0	\$200	7	Probation = 7 months	AoD Assessment, Education, and Notice to Parents
------------------------------	-------	---	----------------------	--

3rd Violation PBT = 0 or > 0	Residence students who incur a third violation within 18 calendar months are subject to Resident Hall Suspension.			
	Commuter students who incur a third violation within 18 calendar months are subject to Conditions/Restrictions that limit time on the campus.			
	Violations beyond the 3rd alcohol violation make a student eligible to be suspended from the University or other appropriate sanctions. This meeting will be held with the Dean of Students.			

**NOTE 1:** If alcohol is found in a resident's room or common area, and PBT = 0, all residents and guests will be subject to the student code of conduct.

**NOTE 2:** The fine above may be waived with proof of payment to the Municipality in which an off-campus drinking citation was issued. If a student is found Responsible for hosting an off-campus event in which underage persons received citations, CU will treat hosts of the event who violate the alcohol policy as a second violation. CU will enforce the above fine for hosts regardless of Municipal consequences.

**NOTE 3:** A combination of one alcohol violation and one drug violation on a student's record may also result in the equivalent sanction to a third alcohol violation.

**Drug Policy Violations**

**NOTE 1:** Because drugs can manifest itself in a range of severity, the University has established 2 levels of severity (see below). The sanctioning administrator reserves the right to evaluate the gravity of the student's behavior (Severity Level 1 or 2) and impose any of the sanctions listed below to remediate the violation, as deemed appropriate.

Violation	Fee	Points	Probation, Suspension, or Expulsion	Education or Remediation
Possession or Use Violation Severity Level 1	\$50-200	7-12	Probation = 9 months	AoD Assessment; Notice to parents; AoD Counseling
Possession or Use Violation Severity Level 2		none	One full semester suspension from the University with possible Expulsion	AoD Counseling to return; Notice to parents
Sale or Distribution		none	1 year Suspension or Expulsion	AoD Counseling to return; Notice to parents

**NOTE 1:** A combination of one alcohol violation and one drug violation on a students' record may also result in the equivalent sanction to a third alcohol violation.

## Violence Policy Violations – Code Policy #'s 33, 34, 35, 44, 51

Violation	Fee	Points	Probation, Suspension, or Expulsion	Education or Remediation
Severity Level 1	\$50 to \$100	2-5	Up to 5 months' Probation	Online education program as appropriate; counseling as appropriate; mediation as appropriate; apology to victim; letter of reprimand
Severity Level 2	\$100 to \$200	6-9	6-12 months' Probation	Housing relocation for residents; restricted campus access for commuters; counseling as appropriate; apology to victim; letter of reprimand; loss of privilege's; student worker position revoked; additional restrictions/ conditions as appropriate

Severity Level 3	None	University Suspension or Expulsion	Apology to the victim; loss of privileges; student worker position revoked; documentation of a completed program through a licensed agency with agency's recommendation for return
------------------	------	------------------------------------	--

## All Other Policy Violations (see specific policy number)

Violation	Fee	Points	Probation, Suspension, or Expulsion	Education or Remediation
Level A	\$0-\$15	0-1		
Level B	\$35-\$50	2-4	2 months' Probation as appropriate for repeated offenses	
Level C	\$70-\$85	5-9	5 months' Probation	Online education program as appropriate; counseling and/or mediation as appropriate
Level D	\$100 - \$200	9-12	6-12 months' Probation	Online education program as appropriate; counseling and/or mediation as appropriate
Level E			Residence Hall Suspension or Expulsion; University Suspension or Expulsion	Conditions may be imposed as a condition to be readmitted

**Break Period Violations - Students found responsible for violating the student conduct code on campus during periods of hall closures (Christmas and Spring break) will have all student conduct points doubled. NOTE: Living on campus in the summer is a privilege. Therefore, CUWAA maintains a zero-tolerance practice regarding violations of the**

**code of student conduct and students may be asked to leave summer housing without a conduct case hearing if they violate the code.**

**Probation Violation- Students who are on Probation and violate the Student Conduct Code and are not suspended or removed from University Housing are subject to doubling of fines, points, and sanctions.**

**Points: The accumulations of student conduct points have the effect(s) as described below.**

**Yearly Conduct Points - Student conduct points awarded for violations occurring after room selection of the current year carry over to the next academic year until the next room selection.**

**Resident Students - Current resident students who accumulate more than 19 student conduct points in the current year are not eligible to participate in the following year's room selection process.**

**Note: All accumulated points affect a student's housing priority.**

**All Students - Students who accumulate a yearly student conduct point total of more than 24 points are subject to immediate resident hall suspension or expulsion or University suspension or expulsion.**

## O. Appeals

### 1. General Outline

a. There are two types of appeals that a student can request during the Initial Administrative Hearing (IAH).

b. The first appeal is called the **Outcome Appeal**, which a student can request if the student refuses to take responsibility for the conduct violation or disagrees with the sanctions recommended by the Conduct Officer.

**\*NOTE** – the Outcome Appeal can only be requested during the IAH. Once the student has accepted responsibility for the conduct violation and agreed to the sanctions recommended by the Conduct Officer, s/he can no longer request an Outcome Appeal.

c. After a student has requested an Outcome Appeal, s/he will be given the Outcome Appeal Form by the Conduct Officer overseeing the case. The student will complete the Outcome Appeal Form in the presence of the Conduct Officer and then submit the form to the Conduct Officer. The Conduct Officer will then submit the Outcome Appeal Form to the Dean of Students who will review the form.

d. Once the Dean of Students has reviewed the form and noted whether the student requested either a Formal Administrative Hearing or Formal Panel Hearing (see Frequently Asked Questions for definitions), the Dean of Students will determine the time and meeting of the hearing.

e. The decisions made in both the Formal Administrative Hearing and Formal Panel Hearing are final.

f. The second appeal is called a **Procedural/Omission Appeal**, which can be requested in the following cases:

i. If a student believes that a procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.)

ii. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or

sanction. A summary of this new evidence and its potential impact must be included.

iii. The sanctions fall outside the range of sanctions the University has designated for the offense. As the Dean of Students or the Dean of Students and Title IX Coordinator reviews all sanctions, this ground for appeal is only appropriate when this review has not taken place.

g. The Procedural/Omission Appeal must be submitted to the Vice President of Student Success by completing the form "Request for Appeal," which can be found on the Portal under the Resource Tab.

h. The Procedural/Omission Appeal must be submitted within three (3) business days after the IAH.

### Frequently Asked Questions

1. What are the Formal Administrative Hearing and Formal Panel Hearing?

*The Formal Administrative Hearing is a hearing including the Dean of Students (and/or) appointed representative and the student requesting the appeal. The student appealing will have this opportunity to discuss the conduct charges and/or sanctions with the Dean of Students/appointed representative. Decisions made by the Dean of Students and/appointed representative in this meeting are final.*

*The Formal Panel Hearing is a hearing that includes the student appealing and a panel made up of at least one faculty member, one student and one staff member. The student will have the opportunity to discuss the conduct charges and/or sanctions with the panel and the panel will then inform the Dean of Students on the decision that the panel has reached and this decision is final.*

1. Does a Formal Administrative Hearing/Formal Panel Hearing take the Conduct Officer's decision into account?

*The presumptive stance of the Dean of Students/the Panel is that the original hearing body was correct in its initial finding. The burden is on the appellant to convincingly communicate otherwise.*

*In the case of a Procedural/Omission Appeal, the appellant must show that either policy was not followed or that new information changes the decision that was made.*

*Appeals are not intended to be full re-hearings of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. No interviewing of or testimony by the parties is appropriate.*

1. Will sanctions be paused until the appeal is complete?

*All sanctions instituted by the original hearing body are to be implemented, barring extreme exigent circumstances. Final exams, graduation-related events, and/or proximity to the end of a term are not considered exigent circumstances.*

1. Who can request a Procedural/Omission Appeal?

*Any party to a complaint (Reporting Party or Responding Party) may submit a Request for Appeal (RFA) form to the Vice President of Student Success or designee who will review the appeal (Hereinafter the "RFA Reviewer"). Any party to a complaint may only file one appeal per incident, exigent circumstances notwithstanding.*



1. What is the General Outline of the Procedural/Omission Appeal?

a. Request for Appeal must be submitted in writing to the RFA Reviewer within three (3) business days of notification of the outcome of the Formal Hearing. All outcomes are assumed received by all parties three business (3) days after sent via e-mail.

b. Any Request for Appeal not filed in a timely fashion will be denied. No exceptions to this timeline are permissible without the express permission of the RFA Reviewer.

c. The RFA Reviewer, who was not involved in the investigation, will review all Requests for Appeal to insure the request has standing.

d. The RFA Reviewer, reviewing the Request, may consider credibility, plausibility, and weight in his/her assessment of the Request.

e. Any Request for Appeal will be shared with all parties (Reporting Party, Responding Party, Investigator and Formal Hearing Panel Chair) who may respond to the Request in a "Response Memorandum."

f. All Response Memorandums must be submitted to the RFA Reviewer for consideration within three (3) days of the notification of the Request for Appeal.

g. All Response Memorandums will be shared with all parties.

h. The RFA Reviewer, after considering all Requests and Response Memorandums, will make and communicate one of the following determinations within three (3) business days of receiving the final response Memorandum:

1) The findings of the original hearing panel are affirmed, therefore, the Request for Appeal is denied. This decision is final and there is no appeal to this decision permitted by any party.

2) The Request for Appeal is denied in part and being forwarded in part for consideration.

3) The Request for Appeal is being considered.

i. Forwarded Requests for appeals will be considered and decisions will be communicated to all parties in writing within five (5) business days of receipt from the RFA Reviewer.

j. The decisions are limited to the following:

1) Affirming the decision of the original hearing body.

2) In cases where it is determined that the procedural error did significantly impact the finding or sanction, it will either:

i) Remand the case back to be reheard by a new Formal Hearing Panel/ Hearing Officer.

This is typically done in cases where the procedural error is so profound as to render the original panel too biased or influenced. Or,

ii) Remand the case back to the original hearing body with instruction to repair the procedural error.

k. In cases where it is determined that the new evidence, unavailable during the original hearing or investigation, is now available and could substantially impact the original finding or sanction it will either:

1) Remand the case back to the original hearing body with instruction to consider the new evidence.

2) In these cases, the original hearing body will convene solely to consider the new evidence. Whether all parties are required to be in attendance is at the discretion of the Chair/Original Hearing Officer.

3) Remand the case back to be reheard in its entirety by a new Formal Hearing Panel/Hearing Officer. This is typically done in cases where the new evidence is accompanied by a procedural error so profound as to render the original panel too biased or influenced.

4) In rare cases, the decision may be to alter the finding or sanction based on the new evidence. This will only be done in cases where reconvening the Panel would put an undue burden on the parties (e.g., the Panel is not available).

5) In cases where a new panel is convened or the original hearing panel is reconvened, the appellate process may still be available to the parties, but only on the outcomes and proceedings of the most recent hearing, and subject to the same grounds and restrictions. There are no appeals procedures applicable to a decision affirming the original findings.