

## STUDENT CONDUCT RESOLUTION PROCESS and DISCIPLINARY PROCEDURES

- Authority
  - Responsibility and authority for the regulation of student behavior is vested by the Board of Trustees in the President of the University, who delegates certain responsibility and authority to the Vice President for Student Life. The Vice President for Student Life may delegate certain authority and responsibility to other staff members.
- Procedures to Initiate the Conduct Resolution Process
  - Any member of the University community may file a report against a student with the Vice President for Student Life or
  - An incident report is generated or law enforcement report is obtained by Clarke University.

The report should include the following:

- Reports should be filed promptly, but within 30 days from the time the incident occurred.
  - The name(s) of the person(s) allegedly responsible for the action;
  - Refer to the specific violation(s) from the Standards of Student Conduct that has allegedly been violated;
  - A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
  - The alleged effect of the incident(s) on the reporting person's position, academic standing, or other conditions of enrollment  
**and**
  - Any other information the reporting person believes to be relevant.
- Rights of Students
    - Students are assumed to not be in violation of a policy until found responsible.
    - Students have the right to an advisor. The term "advisor" is defined as any person (including any student, faculty or staff) selected by a student to assist and accompany him/her through the University conduct process (including investigation interviews, sanction reviews, and appeals). Students may choose to proceed with or without an advisor. A student shall not select an advisor who disrupts the proceedings, causes emotional distress to the other participants, or otherwise attempts to interfere the process. The advisor, upon request of the student, may (1) accompany the student in any conduct proceeding, (2) advise the student in the preparation and presentation of information, and (3) advise the student in the preparation of any appeals or sanction reviews. The advisor shall not perform any function in the process other than advising the student and may not make a presentation or represent the student. The students are expected to ask and respond to questions on their own behalf. The advisor may consult with their advisee quietly or in writing, or outside during breaks, but may not speak on behalf of the advisee. Delays in the conduct process will not normally be allowed due to scheduling conflicts with advisors.
- The Investigation Officer (s) or Appeals Officer may restrict an individual from participating as an advisor if it is determined that an advisor's presence, is likely to cause significant emotional distress or to create significant disruption.
- A prompt and effective remedy (including initial actions).
  - A thorough, reliable, and impartial investigation.
  - A prompt, fair, and impartial proceeding that:

- Is completed within reasonable time frame. Time frames may be extended for good cause with written notice to both the reporting and responding persons of the delay and reason for the delay.
    - Is conducted in a manner consistent with institutional policies and is transparent.
    - Includes timely warning notice of meetings at which reporting or responding persons, or both, may be present.
    - Provides timely and equal access to information that will be used during meetings.
    - Is conducted by officials who do not have a conflict of interest or bias for or against either of the parties.
  - Written notification of the outcomes, including findings, sanctions and the rationales therefor, and appeal options.
  - A preponderance of evidence standard.
  - Changes in housing, academic support and counseling access, to the extent that these options are available and determined to be necessary.
  - Freedom from retaliation.
  - A statement of applicable campus policies and procedures and a list of all sanctions that Clarke University may impose following the student conduct resolution proceeding.
  - The right to be present at all meetings. If a student chooses to not appear at a meeting, the investigation process will continue. A student who fails to appear at a scheduled meeting within the conduct resolution process, upon proper notice of such a meeting, may be found guilty of the alleged conduct and immediately suspended from classes by the President or her/his representative. An additional charge for non-compliance with a University official may be filed as a result of the failure to appear.
- Investigation Process
  - Upon receipt of information that may initiate the Conduct Resolution Process, a primary investigator will be assigned to the incident.
    - A second person may accompany the primary investigator during interviews with the reporting and responding students, and witnesses so that information obtained during the interviews can be corroborated. In certain cases, the University may appoint a third party to conduct the investigation. Witnesses are not to disclose to others that they have been interviewed or the nature of the questions asked in order to maintain the integrity of the investigation. Violation of this directive shall be a basis for disciplinary action or other sanctions as determined by the University.
  - The investigator may conduct a preliminary investigation to determine if there is reasonable cause to charge a student, and to identify the policy violations that may have occurred. The investigator will determine if any interim accommodation is required pending the outcome of the investigation. This may include: interim suspension, change in housing assignment, change in academic schedule, restriction from facilities, restriction from interaction with a specific person(s), or other remedial short-term action.
  - If there is insufficient information to support reasonable belief that a policy violation occurred, the report will be closed with no further action.
  - If there is sufficient information to support reasonable belief that a policy violation occurred, an investigation will continue. The investigator will develop an investigative plan, including a witness list, evidence list, timeframe, and order of witness interviews.
  - Efforts will be made to complete the investigation promptly.
  - The primary investigator will prepare a written report following the completion of the investigation. The report will include:

- A summary of the initial report
  - A summary of the response by the responding student
  - A summary of statements and information obtained during the investigation.
  - A decision on whether a policy violation(s) occurred
  - An explanation to support the decision. Findings must be supported by a preponderance of the evidence (more likely to have occurred than not)
  - A summary of prior policy violations against the responding party
  - A sanction (s)
  - The rationale for a sanction (s)
- The findings and sanctions will be presented in writing to the reporting and responding persons. Sanctions will be applied with the intent to stop the policy-violating behavior, prevent its recurrence, and remedy its effects on the victim and the University community.
  - Information on the University appeal process will be provided to both parties. Each party has the right to request an appeal.

- Investigators

The assigned investigator will be the lowest-level of administrator appropriate to the alleged policy violation as determined by the Vice President for Student Life. The Director of Residence Life, Assistant Director of Residence Life, Director of Engagement and Intercultural Programs, and the Assistant Director of Engagement and Intercultural Programs serve as investigators in the Student Conduct Resolution Process. In some circumstances, the Vice President for Student Life may assign other faculty or staff, and/or a third party from outside the University Community to serve as investigators.

- Sanctions

The purpose of a sanction is to end the policy-violating behavior, prevent its recurrence, and remedy its effects on the community and its members. Responsibility for enforcement of sanctions rests with the Vice President for Student Life and his/her designee. A record of disciplinary action will be kept on file with the Vice President for Student Life Office.

Records will be kept for five calendar years from the student's terminating date from the University. Records in which the resulting sanction is suspension or expulsion are retained permanently. Sanctions are progressive during the student's enrollment in the University. The severity of the violation, prior violations, and the behavior's impact on the University community will be taken into account when determining a sanction. Sanctions can include the following:

- Warning – Notice to the student, orally or in writing, that continuation or repetition of the conduct in question, within a period of time in the warning, may be cause for more severe disciplinary action.
- Probation – The sanction is imposed for a definite period of time. Probation may include the loss of privileges as may be consistent with the offense committed.
  - Residence Hall Probation – This sanction is imposed for violations of the housing agreement. A student involved in further incidents within a specified time may result in more severe disciplinary action.
  - Disciplinary Probation – This sanction may include loss of privileges campus-wide including participation in student organizations, athletic teams, activities, and programs. The disciplinary authority may impose

a penalty of suspension if the student is involved in any act of misconduct including violation of the terms of probation, during the probationary period.

- Suspension – Separation of the student from the University for a specified period of time, but never less than the remainder of the semester after which the student may reapply for admission. Suspension requires approval by the Vice President for Student Life. Usually there are conditions to be met before readmission is considered.
- Expulsion – Expulsion is immediate and permanent separation from the University. This action must receive approval by the Vice President for Student Life.

- Action Plans

The conduct resolution process is an educational process. If found responsible for a policy violation, the student may be assigned a series of action steps to assist in their learning, internalizing, and growth, as well as restoration to the impacted community and its members. Examples of elements in a student's action plan include:

- Restitution and Fines - The student is required to make payment to the University or to other persons, groups or organizations for damages incurred as a result of a violation of the Standard of Student Conduct. Fines may be assessed as a punitive measure.
- Educational Sanctions- Educational Sanctions may include but not be limited to student assigned work projects, participation in educational programs, volunteer or campus service, and participation in alcohol and other drug awareness programs
- A comprehensive health evaluation, including physical and mental health assessments, as deemed appropriate by the University. Documentation regarding diagnosis, recommended treatment plan and recommendations about the student's ability to attend classes and live in a residential community may be required from health professionals before the student is reinstated. In order to maintain status, a student would need to agree to follow the recommended action plan developed between the University and the student.
- Denial of Access to Specific Areas- The student may be banned from certain areas on campus for a specified length of time.

- Appeals

- Appeals Officers

- Decisions of an investigator may be appealed, in writing to the next level of administration. The appeal process ends at the next level of administration.

- Appeals may be filed once each by the reporting student or by the responding student. A student is only entitled to one appeal. Grounds for appeal are limited to:

1. A procedural error occurred that significantly impacted the outcome of the hearing.
2. The discovery of new information, unavailable during the original investigation, which could substantially impact the original finding or sanction. A summary of this new information and its potential impact must be included in the written request for an appeal, as well the reason why this information was not available or presented during the original investigation.

3. The sanctions imposed are substantially disproportionate to the severity of the violation.
- Appeal process for appealing decisions made by an investigator:
  - Appeals must be made in writing within three days of the receipt of the written statement of the findings of the investigation. The appeal request must state specifically and particularly:
    1. A procedural error occurred that significantly impacted the outcome of the hearing.
    2. The discovery of new information, unavailable during the original investigation, which could substantially impact the original finding or sanction. A summary of this new information and its potential impact must be included in the written request for an appeal, as well the reason why this information was not available or presented during the original investigation.
    3. The sanctions imposed are substantially disproportionate to the severity of the violation.
  - The appeal officer/board will review the appeal and determine whether an appeal will be considered.
  - If granted the opportunity for a hearing on the appeal, the student must argue the appeal to the appeal officer/board.
  - Following the hearing, a sanction may be confirmed, eliminated, reduced, or increased by the appeal officer/board.
  - During the appeals process, all sanctions assigned remain in effect.

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